

1982, chapter 66

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

Bill No. 110

Introduced by Mr Jean-François Bertrand, Government House Leader

First reading: 15 December 1982

Second reading: 15 December 1982

Third reading: 18 December 1982

Assented to: 18 December 1982

Coming into force: 18 December 1982 except sections 12 to 59 and 62 to 71, which will come into force on 1 January 1983

Acts amended:

Executive Power Act (R.S.Q., chapter E-18)

Legislature Act (R.S.Q., chapter L-1)

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)



CHAPTER 66

An Act respecting the conditions
of employment and the pension plan
of the Members of the National Assembly

[Assented to 18 December 1982]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

CHAPTER I

CONDITIONS OF EMPLOYMENT

DIVISION I

REMUNERATION

§ 1.—*Indemnities*

- 1.** Every Member receives an annual indemnity of \$35 096.
- 2.** The indemnity provided for in section 1 is increased to \$37 202 from 1 April 1983.
- Between 1 April 1983 and 31 December 1983, the increase in the indemnity provided for in the first paragraph must not be taken into account for the purposes of computing the additional indemnity provided for in section 7 of this Act or section 7 of the Executive Power Act (R.S.Q., chapter E-18).
- 3.** From the year 1984, the annual indemnity shall be adjusted, on 1 January every year, according to the rate of increase in the Consumer Price Index for Canada established by Statistics Canada.
- The rate of the increase is established by the Consumer Price Index for Canada for the month preceding the adjustment, reduced

Annual
indemnity.

Increase.

Exclusion.

Indexing.

Rate of
increase.

by the Consumer Price Index for Canada for the same month of the preceding year, divided by the latter Consumer Price Index.

Rounding
off.

4. Where the product of the adjustment contemplated in section 3 is not a multiple of \$100, the amount of the annual indemnity is fixed at the nearest multiple of \$100.

Minimum
indemnity.

5. In no case may the annual indemnity be less than that for the preceding year.

Last
election.

6. For the purposes of the indemnities and allowances provided for in this division, a person is deemed to have become a Member of the National Assembly on the day last fixed for the election of a Member of the National Assembly for the electoral division which he represents.

Member
until next
election.

For the purposes of the indemnities and allowances, a person who was a Member immediately before a dissolution of the Assembly is deemed to continue to be a Member until the date of the next election.

Additional
indemnity.

7. In addition to the annual indemnity,

(1) the President of the Assembly shall receive annually an indemnity equal to 90% of the annual indemnity;

(2) each of the Vice-Presidents of the Assembly shall receive annually an indemnity equal to 40% of the annual indemnity;

(3) each of the parliamentary assistants shall receive annually an indemnity equal to 20% of the annual indemnity;

(4) the Member occupying the recognized position of Leader of the Official Opposition in the Assembly shall receive annually an indemnity equal to 90% of the annual indemnity;

(5) the Member occupying the recognized position of House Leader of the Official Opposition shall receive annually an indemnity equal to 35% of the annual indemnity;

(6) any Member, other than the Member contemplated in paragraph 4, who leads in the Assembly an opposition party

(a) which had at least twelve Members elected at the last general election or

(b) of which the recognized membership in the Assembly is less than twelve Members but which, according to the official addition of the votes cast throughout Québec at the last general election, obtained 20% of the valid votes cast or

(c) which was represented, under subparagraph *a* or *b*, during the preceding Legislature, shall receive annually an indemnity equal to 35% of the annual indemnity;

(7) the Member occupying the recognized position of Chief Government Whip in the Assembly shall receive annually an indemnity equal to 35% of the annual indemnity;

(8) the Member occupying the recognized position of Chief Whip of the Official Opposition shall receive annually an indemnity equal to 30% of the annual indemnity;

(9) a Member who is not a member of the Conseil exécutif and who occupies the recognized position of Deputy Government House Leader shall receive annually an indemnity equal to 20% of the annual indemnity;

(10) a Member occupying the recognized position of Deputy House Leader of the Official Opposition shall receive annually an indemnity equal to 15% of the annual indemnity;

(11) the Member occupying the position of Whip of a party contemplated in paragraph 6, Assistant Government Whip or Assistant Whip of the Official Opposition shall receive annually an indemnity equal to 15% of the annual indemnity. For the purposes of this paragraph, the Government and the Official Opposition are entitled to a number of Assistant Whips equal to the multiple of twenty Members in excess of twenty, any fraction of twenty not being counted for the purposes of this section;

(12) the Member appointed to act as chairman of a committee shall receive annually an indemnity equal to 10% of the annual indemnity;

(13) a Member appointed to act as vice-chairman of a committee shall receive annually an indemnity equal to 5% of the annual indemnity;

(14) a Member who is a member of the Office of the National Assembly shall receive annually an indemnity equal to 5% of the annual indemnity.

Single
indemnity.

A Member who exercises more than one function for which indemnities are granted under this section or section 7 of the Executive Power Act is entitled to only the higher indemnity.

Minimum
indemnity.

8. In no case may an indemnity granted under section 7 be less than that granted for the year 1982.

Minimum indemnity. In no case may the indemnity contemplated in paragraph 9 of section 7 be less than that granted to a Member contemplated in paragraph 3 of that section for the year 1982.

Minimum indemnity. In no case may the indemnity contemplated in paragraph 10 of section 7 be less than that granted to a Member contemplated in paragraph 11 of that section for the year 1982.

Salary. **9.** The indemnities and the transition allowance provided for in Chapter I constitute a salary for the purposes of paragraph 11 of article 553 of the Code of Civil Procedure (R.S.Q., chapter C-25).

§ 2.—Expense Allowance

Annual amount. **10.** Every Member shall receive an annual allowance of \$7 500 to reimburse any expenses he incurs in the performance of his duties.

Indexing. **11.** From the year 1984, the allowance shall be adjusted, on 1 January every year, according to the rate of increase in the Consumer Price Index for Canada established by Statistics Canada.

Rate of increase. The rate of the increase is established by the Consumer Price Index for Canada for the month preceding the adjustment, reduced by the Consumer Price Index for Canada for the same month of the preceding year, divided by the latter Consumer Price Index.

DIVISION II

TRANSITION ALLOWANCE

Transition allowance. **12.** A Member who, after 1 January 1983, resigns as a Member of the Assembly, is defeated in an election or serves out his term as a Member but is not a candidate in the next election is entitled to a transition allowance.

Computation. **13.** The allowance is equal to twice the Member's monthly salary for each complete year during which he was a Member of the Assembly. He is also entitled, where such is the case, to twice the portion of the monthly salary equal to the fraction of a year during which he was a member of the Assembly.

Limits. In no case may the allowance be less than four times his monthly salary, nor, on the other hand, be more than twelve times his monthly salary.

Period of payment. The period over which the payment of the allowance is spread corresponds to the number of months' salary to which he is entitled.

Monthly
salary.

14. The monthly salary contemplated in section 13 is equal to the higher of the following amounts:

(1) one-twelfth of the sum of the indemnities contemplated in subdivision 1 of Division I of Chapter I and of those provided for in section 7 of the Executive Power Act received by the Member in the twelve months preceding the end of his term; if he has been a Member of the Assembly for less than 12 months, the sum of those indemnities divided by the number of months and parts of months during which he was a Member of the Assembly during that term;

(2) one thirty-sixth of the sum of the indemnities contemplated in subparagraph 1 received by the Member for the last three highest paid years of service within the meaning of section 20 during his last term or all his terms provided they were continuous; if the beneficiary has less than three years of service but more than one during those successive terms, the sum of those indemnities divided by the number of months and parts of months he has accumulated during that period.

Presump-
tion.

For the purposes of subparagraph 2, an annual indemnity is presumed to have been received uniformly during the entire period of service counted for that year.

Credited
years of
service.

15. A person who receives an allowance is no longer credited for the total number of years or parts of years served prior to his leaving in the computing of any transition allowance to which he may be entitled at the end of a later term.

Restriction.

Only a Member in office on 1 January 1983 may have counted the years or parts of years prior to that date in the computing of any transition allowance.

Payment.

16. The allowance is paid to the Member starting from the end of his term periodically and in arrears in the same manner as his indemnity was paid.

Cessation
of
payment.

17. The payment of the allowance ceases on the day the former Member dies. It also ceases on the day on which the beneficiary again becomes a Member.

Reduction.

18. If at the time he ceases to hold office, a Member is entitled to benefits under the disability insurance plan contemplated in section 27, the transition allowance is reduced by an amount equal to the benefits he receives during the period during which he is entitled to both the allowance and the benefits.

CHAPTER II

PENSION PLAN

Pension. **19.** A Member is entitled to a pension based on his contributions and the length of his membership of the Assembly.

Conditions. The right is to be exercised according to the conditions and modalities provided for in this chapter.

DIVISION I

INTERPRETATION

Interpretation: **20.** In this chapter, unless the context indicates otherwise,

"Member"; "Member" means a person who meets the conditions provided for in either of the following paragraphs:

(1) he becomes a Member of the Assembly after 1 January 1983 and, at the time of becoming a Member, is not receiving a pension under the Legislature Act (R.S.Q., chapter L-1);

(2) he has elected to be subject to this pension plan under section 103.18 of the Legislature Act;

"indemnity"; "indemnity" means the annual indemnity prescribed in sections 1 to 5, and, in the case of holders of office who receive such indemnity, the additional indemnity provided for in section 7 of this Act and in section 7 of the Executive Power Act;

"year of service"; "year of service" means a total of three hundred and sixty-five days during which a person was a member of the Assembly, whether continuously or not.

End of term. **21.** For the purposes of this chapter, a person shall not cease to be a Member by reason only of the dissolution of the Assembly, but he shall cease to be a Member from the day fixed for the election following such dissolution, if he is not then reelected as a Member.

DIVISION II

CONTRIBUTION

Contributions. **22.** A contribution to the pension plan must be withheld from each payment of a Member's indemnity.

Amount withheld. The withholding is

(1) 10%, up to the amount of the personal exemption within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(2) 8.2% of the excess amount, up to the amount of the Maximum Pensionable Earnings within the meaning of the said Act;

(3) 10% of the remainder.

Inalienability and unseizability.

Separate account.

23. The contribution is inalienable and unseizable and shall be paid into the consolidated revenue fund.

It shall be entered in a separate account to the credit of the Member.

Withdrawal of contributions.

24. Every person who ceases to be a Member is entitled, before being granted a pension, to withdraw the total amount of his contributions with compound interest for each year during which he contributed, according to the rate of the average return on the investments made by the Caisse de dépôt et placement du Québec out of the funds paid to it under section 123 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

Disability benefits.

Every person having applied for the payment of benefits under the disability insurance plan contemplated in section 27 and who is qualified to receive them is not entitled to withdraw his contributions for as long as he is disabled.

Payment of assigns.

In the event that a Member or former Member not qualified to receive a pension dies, the contributions shall be paid to his assigns under the same conditions even if the Member or former Member had made the choice provided for in section 52.

Effect of withdrawal of contributions.

The withdrawal of contributions extinguishes the right to the years of service for the purposes of qualifying for a pension or computing the pension.

Contributions prior to January 1983.

25. The contributions contemplated in section 24 also include those which were paid by a Member or withheld from his salary before 1 January 1983 under the retirement pension scheme established by the Legislature Act in the case where he elected as provided for in section 103.18 of the said Act.

Interest.

26. The contributions in respect of which a person exercises the right of withdrawal provided for in section 24 bear interest only from 1 January 1983 if they were withheld from the Member's salary or paid by him before that date.

Disability.

27. A Member who ceases to be a Member of the Assembly owing to physical or mental disability is deemed, for the purpose

of computing his pension credit and the accumulation of the years of service provided for in this plan, to have contributed up until the date on which he becomes qualified for a pension under paragraph 1 of section 33 from the annual indemnity paid to a Member under sections 1 to 5. That presumption applies only to the period during which he is declared qualified for benefits under a disability insurance plan established by the Office of the National Assembly of Québec and to the period during which he receives such benefits.

Withdrawal of contributions.

28. The contributions which are deemed to have been paid under section 27 give entitlement to the withdrawal provided for in section 24.

Redemption.

29. A Member may redeem and have counted, for pension purposes in whole or in part, the time during which he had already contributed under the retirement pension scheme established by the Legislature Act and in respect of which he obtained the withdrawal of his contributions under the said Act before 1 January 1983.

Notice.

A Member who wishes to avail himself of this section must give a written notice to that effect to the Office and pay into the consolidated revenue fund, for each previous year or fraction of a previous year redeemed, an amount equal to the contribution which would have been withheld, under section 22, from his indemnity at the time of the application for redemption.

Pension credit.

For each year of service so redeemed, he is granted a pension credit equal to 4% of the indemnity he receives at the time of the application for redemption; the pension credit is reduced in the manner provided in section 37.

Fractions.

For each fraction of a year of service so redeemed, he is granted an equivalent fraction of a pension credit.

Pension credit.

The pension credits so granted are added to the pension credit for the year of the application for redemption.

Period of payment.

30. The payment of contributions respecting the redemption of years or fractions of years of service may be spread out until the time when a pension becomes payable under this chapter. The payments and any related interest are paid according to the modalities the Office prescribes by regulation.

Redemption payments.

31. Every person who, after having availed himself of the provisions of section 29, ceases to be a Member of the Assembly, may nevertheless continue to make payments in accordance with section 30 until a pension becomes payable to him.

Member of
the Parlia-
ment of
Canada.

32. A Member who has been a Member of the Parliament of Canada and who is not entitled to a retiring allowance under the Members of Parliament Retiring Allowances Act (Revised Statutes of Canada, 1970, chapter M-10) may redeem and have counted, for pension purposes, in whole or in part, the time during which he was a Member of Parliament under the conditions provided in sections 29, 30 and 31.

DIVISION III

PENSION

§ 1.—*Qualification*

Qualifying
conditions.

33. A pension is granted under this plan to a person who has ceased to be a Member, makes an application therefor and meets the conditions provided in paragraph 1 or 2:

(1) his age and years of service, including those for which a pension credit has been granted to him following a redemption, add up to 65 or more and he is at least 60 years of age;

(2) he is 55 years of age or more.

Reduction.

In the case contemplated in paragraph 2, the pension shall be reduced, for its term, by one-half of one per cent for each month falling between the date on which the pension is granted and the date on which the person would qualify for the pension under paragraph 1, not taking into account recognized years of service at the time he ceases to be a Member of the Assembly.

Automatic
pension.

34. On reaching the age of 71 years, a person is paid the pension even if he has not ceased to be a Member. If a person has reached that age, he may not contribute to this plan or accumulate pension credits.

§ 2.—*Computation of pension*

Computa-
tion.

35. The amount of the annual pension payable shall be equal to the total of the pension credits provided for in section 36 and, where applicable, in sections 29, 32 and 41.

Pension
credit.

36. A pension credit equal to 4% of the indemnity received by the Member is granted to him for each year in which a contribution has been withheld from him.

Reduction.

37. Every pension credit is reduced, in the year for which it is granted, by 0.7% of the indemnity received up to the Maximum Pensionable Earnings within the meaning of the Act respecting the Québec Pension Plan.

- 38.** Every pension credit is indexed annually on 1 January and until 1 January preceding the date on which the pension becomes payable, according to the rate of increase in the Pension Index established under the Act respecting the Québec Pension Plan.
- 39.** On the date the pension becomes payable, its annual amount must not exceed 70% of the average indemnity received by a Member for his three best remunerated years of service during his last term of office, or during all his terms provided they were uninterrupted.
- For the purposes of this section, the indemnity for any year is presumed to have been received uniformly during the whole period of service counted for such year.
- If the beneficiary has less than three years of service during the successive terms of office, the average indemnity is computed exclusively on the basis of the years of service that he counts for that period.
- If, however, the beneficiary has already been a Member of the Assembly at an earlier time, for a period separated from the period of successive terms, the years of service of such separate period may be taken into consideration to the extent that it results in an increase in the average indemnity received by the Member for his three best remunerated years of service.
- For the purposes of this section, the average indemnity is indexed from the time that the beneficiary ceased, for the last time, to be a Member of the Assembly until the date that a pension is payable to him, in the manner provided in section 38.
- 40.** A beneficiary who receives a pension of a smaller amount than he would receive but for the application of section 39 is entitled to withdraw, in accordance with section 24, the part of his contributions that corresponds to the ratio by which the pension credits exceed the amount of the pension granted to him.
- The pension credits reduced or cancelled by the effect of the withdrawal of contributions shall be, first, those granted during the most recent year of service first and, then, those granted during each year preceding it.
- 41.** There shall be granted to a former Member who, under section 103.18 of the Legislature Act, elects to be subject to the pension plan established by this chapter, a pension credit for each year determined under the said Act during which he paid contributions under that Act.

Fractions. For each fraction of a year, he shall be granted an equal fraction of a pension credit, subject to the last paragraph of section 89 of the Legislature Act.

Indexing. Such pension credit shall be determined in accordance with sections 36 to 38. The Office shall prescribe by regulation the rate of indexation of the pension credit for the years prior to 1975.

Restriction. **42.** No pension credit may be granted under section 41 for a year or fraction of a year in respect of which a former Member has withdrawn his contributions unless he exercised the right of redemption provided in section 94 or, as the case may be, section 95 of the Legislature Act.

Redemption payments. A former Member who has exercised the right of redemption provided in section 94 or, as the case may be, section 95 of the Legislature Act but has not completed the payment of that redemption on the date of his electing to be subject to this plan, may continue the payment of his redemption in accordance with those sections.

§ 3.—*Adjustment of pension*

Indexing. **43.** A pension payable under this plan shall, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, be indexed annually by the amount by which the rate of increase in the Pension Index determined by the said Act exceeds 3%.

§ 4.—*Mode of payment of pension*

Payment. **44.** A pension granted under this plan is paid to the beneficiary periodically and in arrears, until the date that he is no longer entitled to it.

Exception. **45.** No pension is payable for the period during which the transition allowance is paid, except for a person who is 71 years of age or over.

Retroactive payment. **46.** Subject to section 45, a pension may be paid retroactively to a person entitled to it, to the date that the pension would have become payable under paragraph 1 of section 33, if the application is made after that date.

Payment to assigns. **47.** Subject to section 52, if a person who qualifies for a pension dies before a pension has been granted to him for at least ten years after his last term as a Member, his assigns are entitled to receive the pension to which that person was entitled at the time of his death, until the expiration of that period, or to receive, on application, a lump sum equal to the commuted value of the pension.

Commutated value. The Office shall establish by regulation the terms and conditions of computation to be used to determine the commuted value of the pension.

Interruption. **48.** The payment of a pension shall cease while the beneficiary again holds office as a Member, unless he is 71 years of age or over.

Recomputation. In such case, he shall again contribute to this plan. At the time that he ceases to be a Member of the Assembly, his pension shall again be computed by taking into account the pension credits that he has accumulated, including credits that were used in computing the pension of which the payment ceased.

Amount of pension. **49.** At the time he ceases to be a Member of the Assembly or the date on which he reaches 71 years of age, a person is entitled to receive the greater of the following amounts: the recomputed pension or the pension to which he would be entitled at that time if the payment had not ceased in accordance with section 48.

Computation. Such pensions shall be computed without regard to the effects of the election provided for in section 52.

Repayment. If the greater of the two amounts is not the recomputed pension, the contributions that the Member has paid under the second paragraph of section 48 shall be repaid to him with interest computed as provided in section 24.

Inalienability and unseizability. **50.** The pensions payable and the contributions repaid under this chapter are inalienable and unseizable.

Support. However, in the case of a debt for support, they are unseizable to the extent of 50%.

Offence. **51.** A Member whose seat has become vacant following an offence under Division II of Chapter III of the Act respecting the National Assembly (1982, chapter 62) is entitled only to repayment of his contributions.

Life annuity. **52.** A Member or former Member, before a pension becomes payable to him, may elect to replace the pension by a life annuity with continuity in favour of his surviving spouse.

Presumption. The election is deemed never to have been made if, at the time of his death, the Member or former Member does not have a surviving spouse and if the payment of his pension has not begun.

Irrevocability. The election is irrevocable after the payment of the pension has begun. However, he may make the election or change it, as the case may be, when the payment of the pension ceases while he holds a new term.

Surviving spouse.

The pension of the surviving spouse may be established, according as the former Member has elected, at 100% or 50% of the amount of the pension to which he is entitled, taking into account the adjustment resulting from the actuarial equivalence as established according to the criteria prescribed by regulation of the Office.

Applicability.

53. Section 47 does not apply to the assigns of a person who has made the election provided for in section 52.

"spouse".

54. For the purposes of this subdivision, the term "spouse" means either of two persons being a man and a woman who

(1) are married; or

(2) live together as husband and wife and who

(a) have been living together for three years, or for one year if a child has issued from their union;

(b) are publicly represented as spouses; and

(c) at the time of the death of one of them, neither of them is married to another person.

Right to the pension.

55. The right to the pension of the surviving spouse begins on the day after the death of the former Member.

Application.

56. A pension provided for in section 55 is granted only on application by the surviving spouse to the Office and after it has ensured itself of the applicant's entitlement.

Difference paid to assigns.

57. If the aggregate of the amounts paid as a pension to a beneficiary and his surviving spouse under this Act or the Legislature Act is less than the total amount of the contributions of the beneficiary accumulated with compound interest, until the date on which the pension becomes payable to him after his last term, computed according to the rate contemplated in section 24, the difference shall be paid to his assigns in a single payment when the payment of the pension to the last person entitled to it ceases.

Interest.

However, no interest is granted for the period that a pension is paid.

DIVISION IV

ADMINISTRATION

Administration of the plan.

58. The Office of the National Assembly is responsible for the administration of the pension plan. It may delegate, in whole or in part, and on the conditions it may determine, the duties and powers

entrusted to it by this chapter to the Commission administrative du régime de retraite or any other body designated by the Office.

Adminis-
tration.

The duties and powers entrusted by the Office to the Commission administrative du régime de retraite are deemed, where applicable, to have been entrusted under section 16 of the Act respecting the Government and Public Employees Retirement Plan.

Regula-
tions.

59. The Office of the National Assembly may, by regulation,

(1) establish the terms and conditions of computing and applying the rate of return provided for in section 24;

(2) prescribe the modalities of payment of contributions contemplated in section 30;

(3) prescribe the rate of indexation of the pension credit contemplated in the third paragraph of section 41;

(4) establish the method of computation to be used to determine the commuted value of the pension provided for in section 47;

(5) determine the criteria allowing the establishment of actuarial equivalence for the purpose of adjusting the pension of the surviving spouse in accordance with section 52 of this Act or in accordance with section 103.11 of the Legislature Act;

(6) establish the criteria, conditions and modalities of payment of the additional contribution contemplated in section 103.15 of the Legislature Act;

(7) adopt any provision to compensate for the omission of any transitional provision in order to ensure, where necessary, that this pension plan applies to the Members contemplated in section 20;

(8) prescribe any other measure that may be needed for the administration of this chapter.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

R.S.Q., c.
E-18, s. 7,
am.

60. Section 7 of the Executive Power Act (R.S.Q., chapter E-18) is amended by replacing the first paragraph by the following paragraph:

Additional
indemni-
ties.

“7. In addition to the indemnities, allowances and other amounts and benefits to which he is entitled according to the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66),

Prime Minister; (1) the Prime Minister shall receive an annual indemnity equal to 130% of the annual indemnity contemplated in sections 1 to 5 of the said Act,

members of the Conseil executif; (2) each member of the Conseil executif mentioned in the first paragraph of section 4 and in section 5 shall receive an annual indemnity equal to 90% of the annual indemnity contemplated in sections 1 to 5 of the said Act;

other members. (3) each other member of the Conseil executif shall receive an annual indemnity equal to 80% of the annual indemnity contemplated in sections 1 to 5 of the said Act.”

R.S.Q., c. E-18, s. 8, replaced. Payment. **61.** Section 8 of the said Act is replaced by the following section:

“**8.** The sums contemplated in section 7 shall be paid out of the consolidated revenue fund.”

R.S.Q., c. L-1, s. 93, replaced. **62.** Section 93 of the Legislature Act (R.S.Q., chapter L-1) is replaced by the following section:

Offence. “**93.** A Member whose seat has become vacant following an offence under Division II of Chapter III of the Act respecting the National Assembly (1982, chapter 62) is entitled only to repayment of his contributions.”

R.S.Q., c. L-1, s. 96, replaced. **63.** Section 96 of the said Act is replaced by the following section:

Interruption. “**96.** The payment of a pension shall cease while the beneficiary, where such is the case, again holds office as a Member, except if he is 71 years of age or over.

Automatic pension. On a person's reaching 71 years of age, a pension is paid to him even if he has not ceased to be a Member. In no case may a person having reached that age make contributions or increase the number of months of service for the purpose of the application of section 89.”

R.S.Q., c. L-1, sub-div. 5.1, ss. 103.1-103.19, added. **64.** The said Act is amended by inserting, after section 103, the following:

“§ 5.1—*Pension changed*

Applicability. “**103.1** This subdivision applies only to Members who are Members of the National Assembly on 1 January 1983 and to Members who become Members subsequently if, at the time of their election, they are receiving a pension under this Act.

"indemnity".

"103.2 For the purposes of this subdivision, the word "indemnity" defined in the second paragraph of paragraph *b* of section 85 means the indemnity defined in section 20 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66).

Applicable provisions.

"103.3 For the purposes of his pension, a Member is governed by sections 85 to 100, 102 and 103 as amended by the provisions of this subdivision, subject to section 103.18.

Compulsory contribution.

"103.4 Notwithstanding sections 86 and 87, the contribution to the system of retirement pensions is compulsory.

Deductions.

The deduction provided by the Member from his indemnity contemplated in section 103.2 is

- (1) 10%, up to the amount of the personal exemption within the meaning of the Act respecting the Québec Pension Plan;
- (2) 8.2% of the excess amount, up to the amount of the Maximum Pensionable Earnings within the meaning of the said Act;
- (3) 10% of the remainder.

Computation of contributions.

"103.5 The total amount of contributions of a Member that serves as the basis for computing his pension in accordance with section 89 is the lesser of

- (1) the total contributions that he has provided to 1 January 1983 indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, according to the rate of increase of the Pension Index determined by the said Act from 1984 until the time the pension becomes payable; or
- (2) the total contributions provided to 1 January 1983 and contributions paid under section 103.4.

Amount of pension.

"103.6 Where a Member has received a pension under this Act, he is entitled, at the time he ceases to be a Member of the National Assembly or on the day he reaches 71 years of age, to receive the higher of the following amounts:

- (1) the pension recomputed under sections 89 and 103.5; or
- (2) the pension to which he would be entitled at that time if the payment of the pension had not ceased in accordance with section 96.

Election disregarded.

Computation of the pension is made without considering the effects of the election provided for in section 103.11.

Computation of supplementary indemnities.

“**103.7** For the purposes of the application of the second paragraph of section 90, the duties contemplated in paragraphs 13 and 14 of section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly are added to the duties contemplated in the second paragraph of section 90.

Redemption payments.

“**103.8** In the case of a Member who has exercised the right of redemption provided in section 94 or, where applicable, 95 before 31 December 1982 and who has not completed the payment of the redemption on that date, the total amount of contributions contemplated in section 103.5 includes redemption payments made after that date, excluding the interest that is part of such payments.

Presumption.

“**103.9** A Member is deemed, without providing an additional contribution, to have given the notice contemplated in subsection 2 of section 87 in order that the provisions of section 98 be applicable to his surviving spouse and his children.

Amount of contributions.

“**103.10** For the purposes of the application of subsection 2 of section 98, the total amount of the contributions of a Member shall be equal to the amount that serves as the basis for computing the pension of a Member, contemplated in section 103.5.

Life annuity.

“**103.11** A Member or former Member, before a pension becomes payable to him, may elect to replace the pension by a life annuity with continuity in favour of his surviving spouse.

Presumption.

The election is deemed never to have been made, if, at the time of his death, the payment of his pension has not begun.

Irrevocability.

The election is irrevocable after the payment of the pension has begun. However, he may make the election or annul it, as the case may be, when the payment of the pension ceases while he holds a new term.

Surviving spouse.

The pension of the surviving spouse is equal to the amount of the pension to which he is entitled, taking into account the adjustment resulting from the actuarial equivalence as established according to the criteria prescribed by regulation of the Office.

Effect of election.

The election extinguishes the right to a pension provided for in section 98.

Powers of commissioners.

“**103.12** The powers entrusted to the commissioners under subdivision 5 are exercised by the Office of the National Assembly.

Period of payment.

“**103.13** A pension is payable at the time that the payment of the transition allowance granted under the Act respecting the

conditions of employment and the pension plan of the Members of the National Assembly ceases, unless the beneficiary is 71 years of age or over. However, if that allowance is equal to or less than the pension, the pension is payable at the time that the Member entitled to it ceases to be a Member of the National Assembly, except if the beneficiary is 71 years of age or over.

Right to transition allowance.

The payment of the pension extinguishes the right to a transition allowance contemplated in the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly that would have been payable at the time the Member ceased to be a Member of the Assembly, except if the beneficiary is 71 years of age or over.

"spouse".

"103.14 For the purposes of this subdivision, the term "spouse" has the meaning given to it by section 54 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly.

Additional contribution.

"103.15 A Member may pay an additional contribution of 2% for any period in which his contribution was 8% of his indemnity under subdivision 5.

Computation.

Such additional contribution shall be computed on the indemnity that he was receiving at the time he paid the contribution of 8% and shall be deemed, for purposes of computing the pension, to be part of the total amount of his contributions paid on 1 January 1983.

Modalities of payment.

The criteria, conditions and terms of payment of such additional contribution shall be established by regulation of the Office of the National Assembly.

Repayment.

Such a contribution may be repaid in accordance with sections 92 and 93.

Presumption.

"103.16 For the purposes of the application of section 104 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), sections 29 and 37 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) and sections 83 and 84 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), an officer, employee or teacher, as the case may be, is deemed to have begun to receive a pension under this Act or the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly as soon as he ceases to be a Member of the National Assembly and as soon as he qualifies for the pension without regard to the payment of the transition allowance.

Repayment.

However, the contributions refunded under those sections must be remitted while the Member holds office.

Inalienability and unseizability.

“103.17 A pension payable to a Member contemplated in section 103.1 or, as the case may be, to his surviving spouse and to his children is inalienable and unseizable.

Support.

However, in the case of a debt for support it is unseizable to the extent of 50%.

§ 5.2—*Election of a pension plan*

Election.

“103.18 A person contemplated in section 103.1 may elect for the pension plan established by the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly by transmitting a written notice to the Office.

Notice.

The notice must be given

(1) within four months following the date on which the person ceases to be a Member of the National Assembly;

(2) within the year preceding his seventy-first birthday, if he is a Member of the National Assembly.

Effect.

In the case provided for in subparagraph 2, the election takes effect from that anniversary.

Applicability.

“103.19 The retirement pension scheme established under this Act does not apply to a person who, under section 103.18, has elected the pension plan established by the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly.”

R.S.Q., c. R-10, s. 104, am.

65. Section 104 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting after the words “the Legislature Act (chapter L-1)” in the sixth and seventh lines, the words “or the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66)”.

R.S.Q., c. R-11, s. 29, am.

66. Section 29 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “provided in the latter case” in the fifth and sixth lines by the words “or the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66) provided in the case of those two Acts,”.

R.S.Q., c. R-11, s. 37, am.

67. Section 37 of the said Act is amended by inserting before the word “provided” in the fifth line of the third paragraph by the words “or the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66)”.

R.S.Q., c.
R-12, s.
35, am.

68. Section 35 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words “provide in such final case” in the fifth line of the first paragraph by the words “or under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66) provided in the case of those two Acts”.

R.S.Q., c.
R-12, s.
83, am.

69. Section 83 of the said Act is amended by inserting before the word “provided” in the sixth line of the third paragraph the words “or the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66)”.

R.S.Q., c.
R-12, s.
84, am.

70. Section 84 of the said Act is amended by replacing the words “provided that in such last mentioned case,” in the sixth line of the first paragraph by the words “or under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66) provided in the case of those two Acts”.

Exercise of
the powers
of the
Office.

71. The commissioners who are members of the Committee on internal management of the National Assembly on the date of the coming into force of this Act shall exercise the duties and powers entrusted to the Office of the National Assembly under Chapter II of this Act and under subdivision 5.1 of the Legislature Act until the members of the Office have been designated.

Required
sums.

72. Every amount payable under this Act to a Member or a person who has ceased to be a Member shall be taken out of the consolidated revenue fund.

Required
sums.

The same rule applies to any amount payable to other persons under the pension plan established by this Act.

Exception.

73. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming
into force.

74. This Act comes into force on the day of its sanction except sections 12 to 59 and 62 to 71 which will come into force on 1 January 1983.