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PROVINCE OF QUÉBEC

1st SESSION

36th LEGISLATURE

QUÉBEC, 15 DECEMBER 2000

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 15 December 2000

This day, at thirty-five minutes past nine o'clock in the evening, the Honourable the Administrator of Québec was pleased to sanction the following bills:

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

183 An Act respecting the resumption of normal public transport service in the territory of the Société de transport de la Communauté urbaine de Québec

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 99
(2000, chapter 46)

An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State

Introduced 15 December 1999
Reprint tabled 19 April 2000
Passage in principle 30 May 2000
Passage 7 December 2000
Assented to 13 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

This bill reaffirms the fundamental rights and prerogatives of the Québec people and the Québec State.

The bill specifies, in particular, that the Québec people has an inalienable right to freely decide the political regime and legal status of Québec, and that the Québec people, acting through its own political institutions, shall determine alone the mode of exercise of that right.

In addition, the bill establishes that no other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.

The bill also states the characteristics and the jurisdiction of the Québec State in various areas.

Bill 99

AN ACT RESPECTING THE EXERCISE OF THE FUNDAMENTAL RIGHTS AND PREROGATIVES OF THE QUÉBEC PEOPLE AND THE QUÉBEC STATE

WHEREAS the Québec people, in the majority French-speaking, possesses specific characteristics and a deep-rooted historical continuity in a territory over which it exercises its rights through a modern national state, having a government, a national assembly and impartial and independent courts of justice;

WHEREAS the constitutional foundation of the Québec State has been enriched over the years by the passage of fundamental laws and the creation of democratic institutions specific to Québec;

WHEREAS Québec entered the Canadian federation in 1867;

WHEREAS Québec is firmly committed to respecting human rights and freedoms;

WHEREAS the Abenaki, Algonquin, Attikamek, Cree, Huron, Innu, Malecite, Micmac, Mohawk, Naskapi and Inuit Nations exist within Québec, and whereas the principles associated with that recognition were set out in the resolution adopted by the National Assembly on 20 March 1985, in particular their right to autonomy within Québec;

WHEREAS there exists a Québec English-speaking community that enjoys long-established rights;

WHEREAS Québec recognizes the contribution made by Quebecers of all origins to its development;

WHEREAS the National Assembly is composed of Members elected by universal suffrage by the Québec people and derives its legitimacy from the Québec people in that it is the only legislative body exclusively representing the Québec people;

WHEREAS it is incumbent upon the National Assembly, as the guardian of the historical and inalienable rights and powers of the Québec people, to defend the Québec people against any attempt to despoil it of those rights or powers or to undermine them;

WHEREAS the National Assembly has never adhered to the Constitution Act, 1982, which was enacted despite its opposition;

WHEREAS Québec is facing a policy of the federal government designed to call into question the legitimacy, integrity and efficient operation of its national democratic institutions, notably by the passage and proclamation of the Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference (Statutes of Canada, 2000, chapter 26);

WHEREAS it is necessary to reaffirm the fundamental principle that the Québec people is free to take charge of its own destiny, determine its political status and pursue its economic, social and cultural development;

WHEREAS this principle has applied on several occasions in the past, notably in the referendums held in 1980, 1992 and 1995;

WHEREAS the Supreme Court of Canada rendered an advisory opinion on 20 August 1998, and considering the recognition by the Government of Québec of its political importance;

WHEREAS it is necessary to reaffirm the collective attainments of the Québec people, the responsibilities of the Québec State and the rights and prerogatives of the National Assembly with respect to all matters affecting the future of the Québec people;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

THE QUÉBEC PEOPLE

1. The right of the Québec people to self-determination is founded in fact and in law. The Québec people is the holder of rights that are universally recognized under the principle of equal rights and self-determination of peoples.

2. The Québec people has the inalienable right to freely decide the political regime and legal status of Québec.

3. The Québec people, acting through its own political institutions, shall determine alone the mode of exercise of its right to choose the political regime and legal status of Québec.

No condition or mode of exercise of that right, in particular the consultation of the Québec people by way of a referendum, shall have effect unless determined in accordance with the first paragraph.

4. When the Québec people is consulted by way of a referendum under the Referendum Act, the winning option is the option that obtains a majority of the valid votes cast, namely fifty percent of the valid votes cast plus one.

CHAPTER II

THE QUÉBEC NATIONAL STATE

5. The Québec State derives its legitimacy from the will of the people inhabiting its territory.

The will of the people is expressed through the election of Members to the National Assembly by universal suffrage, by secret ballot under the one person, one vote system pursuant to the Election Act, and through referendums held pursuant to the Referendum Act.

Qualification as an elector is governed by the provisions of the Election Act.

6. The Québec State is sovereign in the areas assigned to its jurisdiction within the scope of constitutional laws and conventions.

The Québec State also holds, on behalf of the Québec people, any right established to its advantage pursuant to a constitutional convention or obligation.

It is the duty of the Government to uphold the exercise and defend the integrity of those prerogatives, at all times and in all places, including on the international scene.

7. The Québec State is free to consent to be bound by any treaty, convention or international agreement in matters under its constitutional jurisdiction.

No treaty, convention or agreement in the areas under its jurisdiction may be binding on the Québec State unless the consent of the Québec State to be bound has been formally expressed by the National Assembly or the Government, subject to the applicable legislative provisions.

The Québec State may, in the areas under its jurisdiction, establish and maintain relations with foreign States and international organizations and ensure its representation outside Québec.

8. The French language is the official language of Québec.

The duties and obligations relating to or arising from the status of the French language are established by the Charter of the French language.

The Québec State must promote the quality and influence of the French language. It shall pursue those objectives in a spirit of fairness and open-mindedness, respectful of the long-established rights of Québec's English-speaking community.

CHAPTER III

THE TERRITORY OF QUÉBEC

9. The territory of Québec and its boundaries cannot be altered except with the consent of the National Assembly.

The Government must ensure that the territorial integrity of Québec is maintained and respected.

10. The Québec State exercises, throughout the territory of Québec and on behalf of the Québec people, all the powers relating to its jurisdiction and to the Québec public domain.

The State may develop and administer the territory of Québec and, more specifically, delegate authority to administer the territory to local or regional mandated entities, as provided by law. The State shall encourage local and regional communities to take responsibility for their development.

CHAPTER IV

THE ABORIGINAL NATIONS OF QUÉBEC

11. In exercising its constitutional jurisdiction, the Québec State recognizes the existing aboriginal and treaty rights of the aboriginal nations of Québec.

12. The Government undertakes to promote the establishment and maintenance of harmonious relations with the aboriginal nations, and to foster their development and an improvement in their economic, social and cultural conditions.

CHAPTER V

FINAL PROVISIONS

13. No other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.

14. The provisions of this Act come into force on the dates to be fixed by the Government.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 102
(2000, chapter 41)

An Act to amend the Supplemental Pension Plans Act and other legislative provisions

Introduced 16 March 2000
Passage in principle 15 June 2000
Passage 29 November 2000
Assented to 5 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

This bill amending the Supplemental Pension Plans Act updates and simplifies the legislative framework applicable to supplemental pension plans.

First, provisions are included in the bill concerning the appropriation by the employer of all or part of the surplus assets of a pension plan to the payment of employer contributions.

Members will be granted full entitlement to a deferred pension upon joining a pension plan and in respect of all years of service recognized under the plan. As a result of this change, all provisions pertaining to the partial termination of a pension plan can be removed from the Act.

Moreover, improved benefits will be paid to employees who cease to be members of a pension plan more than ten years before normal retirement age, that is, before being eligible for an early retirement pension. Such benefits will be calculated on the basis of a pension annually adjusted at the rate of 50% of the Consumer Price Index, with an annual 2% adjustment ceiling, until the member reaches the age that is ten years under normal retirement age.

To simplify the administration of pension plans existing solely for the benefit of a few employees connected with the employer, such plans are excluded from the application of practically all the provisions of the Act. As well, the termination procedure applicable to pension plans is greatly simplified to prevent unnecessary delays.

The restrictions imposed on the investment of pension fund assets are lifted, with the emphasis being placed rather on portfolio diversification and the obligation to act prudently. In the same line of thought, the restrictions on the pension committee's power to give the plan assets as security for a debt of the pension plan are eliminated.

Plan members and their spouses who resort to pre-hearing mediation concerning a family matter will be able to obtain a statement of benefits accrued under a pension plan.

Several amendments are made to remedy various deficiencies or clarify imprecision identified in the Act over the years.

Lastly, the bill amends the Act respecting the Québec Pension Plan to require that every contract entered into by the Régie des rentes du Québec for computer system maintenance or development, data processing or document destruction must, if the contract involves access to or communication of fiscal information, satisfy certain requirements and be submitted to the Commission d'accès à l'information for an opinion on compliance with those requirements.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

– Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

Bill 102

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), amended by section 254 of chapter 40 of the statutes of 1999, is again amended by replacing the second and third paragraphs by the following paragraph:

"The Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of this Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan. The Government may also prescribe special rules applicable to the plan or category."

2. The said Act is amended by inserting the following section after section 2:

"2.1. This Act, except sections 6, 64 and 107, the first paragraph of section 110 and section 171.1, which apply with the necessary modifications, does not apply to a pension plan if

(1) all the members of the pension plan are persons connected with the employer within the meaning of subsection 3 of section 8500 of the Income Tax Regulations (Consolidated Regulations of Canada, 1978, chapter 945) and membership in the plan is optional and is restricted to those persons;

(2) only employees described in section 1 may become members of the pension plan; and

(3) active membership in the plan ceases when the member ceases to be a person connected with the employer.

Moreover, such a pension plan is deemed, for the purposes of section 98, not to be a pension plan governed by this Act.

A pension plan to which the first paragraph applies becomes subject to this Act upon being amended to allow other persons to become members."

3. Section 11 of the said Act is amended by adding the following paragraph after the second paragraph:

"The employers party to a plan to which the second paragraph applies are solidarily liable for the obligations incumbent upon each employer under the plan or under this Act."

4. Section 14 of the said Act is amended

(1) by replacing ", in the case of a plan in which membership is optional, the withdrawal requirements" in subparagraph 3 of the second paragraph by "withdrawal";

(2) by inserting "or a defined benefit-defined contribution pension plan" after "plan" in the first line of subparagraph 10 of the second paragraph;

(3) by striking out "total" in the third line of subparagraph 16 of the second paragraph;

(4) by adding the following subparagraph after subparagraph 16 of the second paragraph:

"(17) in the case of a pension plan to which section 146.4 does not apply and if applicable, the employer's right to appropriate all or part of the surplus assets to the payment of employer contributions."

5. Section 17 of the said Act is repealed.

6. Section 18 of the said Act is replaced by the following section:

"18. A pension plan whose registration is revoked by the Régie under section 32 shall cease to be effective on the date of revocation.

A pension plan which is not registered or whose registration is deemed to be revoked under section 32.1 shall cease to be effective as soon as

(1) the plan is terminated and has no assets; and

(2) no member or beneficiary has any rights or benefits remaining under the plan or under this Act."

7. Section 19 of the said Act is amended

(1) by replacing "multi-employer" in the second line of paragraph 1 by "pension";

(2) by inserting the following paragraph after paragraph 1:

"(1.1) where the object of the amendment is the withdrawal of a bankrupt employer from the multi-employer pension plan, in which case the amendment becomes effective on the date of the bankruptcy;".

8. Section 20 of the said Act is amended

(1) by inserting "and where the effective date of the amendment is the date of the bankruptcy pursuant to subparagraph 1.1 of the first paragraph of section 19" after "amendment" in the second line of subparagraph 2 of the second paragraph;

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

"If an amendment reducing pension benefits pertains to the normal pension, the method used for calculating the normal pension or any other pension benefit established on the basis of such pension or method, it may only apply to the service that is subsequent to the effective date of the amendment and if such an amendment pertains to the assumptions referred to in the second paragraph of section 61, it may only apply to the determination of the benefits accrued to a member at a date that is subsequent to the effective date of the amendment. These restrictions are not applicable, however, in the cases mentioned in the second paragraph."

9. The said Act is amended by inserting the following sections after section 21:

"21.1. No amendment to a pension plan to which subparagraph 17 of the second paragraph of section 14 applies may pertain to the right referred to in that subparagraph, unless all requirements imposed by the first paragraph of section 146.5 and section 146.6 are satisfied.

"21.2. No amendment to a pension plan may pertain to the allocation of surplus assets in the event of termination."

10. Section 22 of the said Act is amended

(1) by striking out "partially" in the eighth line of the second paragraph;

(2) by adding the following sentence at the end of the second paragraph: "However, the latter value shall be established without taking into account the rights which may result from the application of subdivision 4.1 of Division II of Chapter XIII."

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

"23. The remuneration received or, as the case may be, the hours of work completed prior to an amendment mentioned in section 22 shall be taken into account for the application of section 34."

12. Section 24 of the said Act is amended, in the second paragraph,

(1) by replacing "refunds or pension benefits are guaranteed" in the second line of subparagraph 1 by "the plan is insured";

(2) by inserting “where the application is for the registration of the plan,” at the beginning of subparagraph 2;

(3) by replacing subparagraph 3 by the following subparagraph:

“(3) the employer’s written acknowledgment of the obligations incumbent upon the employer under the plan or amendment, unless

(*a*) the committee attests that it has obtained such acknowledgment from the employer and that the acknowledgment may, on request, be filed with the Régie;

(*b*) the amendment has been made mandatory by a new legislative or regulatory provision giving no latitude to the employer; or

(*c*) the amendment is being made pursuant to Chapter X.1 or results from the application of section 199;”;

(4) by striking out subparagraph 5.

13. Section 25 of the said Act is amended by striking out “multi-employer” in the fifth line.

14. Section 26 of the said Act is amended

(1) by striking out “active” in the second line and in the first line of subparagraph 1 of the first paragraph;

(2) by inserting “and its effective date,” after “proposed amendment” in the second line of subparagraph 1 of the first paragraph;

(3) by replacing “with the authorization of the Régie, by sending the notice to the employer who, on receipt thereof, shall post it in a conspicuous place within his establishment, in an area ordinarily frequented by the members, or by publishing it in a newspaper circulated in the localities where at least half of the members are employed” in the first five lines of subparagraph 2 of the first paragraph by “by publishing the notice in a newspaper circulated in the localities where at least half of the members reside or, only as concerns active members, by sending the notice to the employer who, on receipt thereof, shall post it in a conspicuous place within the establishment, in an area ordinarily frequented by the members”;

(4) by striking out the fifteenth line of subparagraph 2 of the first paragraph;

(5) by replacing the third paragraph by the following paragraph:

“This section does not apply where the amendment results from the application of Chapter X.1. In addition, where the amendment is made pursuant to a collective agreement or an arbitration award in lieu thereof, or is rendered

compulsory by an order or decree, this section does not apply in respect of active members who are subject to the collective agreement, arbitration award or order or decree and represented by a certified association within the meaning of the Labour Code (chapter C-27).”

15. Section 29 of the said Act is replaced by the following section:

“29. Upon registering a pension plan or an amendment, the Régie shall notify the applicant. The Régie shall assign a number to each plan it registers.”

16. Section 30 of the said Act is amended by replacing “certificate” in the fifth line by “notice”.

17. Section 32 of the said Act is amended by replacing “transfer resulting from a conversion under section 22 or a division or merger under Chapter XII or by reason of the total termination of the plan in accordance with Chapter XIII” in the first three lines of subparagraph 1 of the first paragraph by “merger under Chapter XII”.

18. The said Act is amended by inserting the following section after section 32:

“32.1. The registration of a terminated pension plan is deemed to be revoked 60 days after the later of

(1) the date of expiry of the time limits provided for in sections 210 and 210.1 or determined by the Régie for the satisfaction of the rights of the employer, the members and the beneficiaries under the plan and under this Act; and

(2) the date on which the orders of the Régie concerning the plan are complied with.”

19. Section 33 of the said Act is amended

(1) by striking out the last sentence of the second paragraph;

(2) by adding the following paragraph after the second paragraph:

“The holder of an insured annuity purchased directly from an insurer, otherwise than pursuant to section 98, using benefits accrued under the plan shall remain a member of the plan.”

20. Section 34 of the said Act is amended

(1) by replacing “ — and is required to do so in the case of a compulsory plan —” in the third and fourth lines of the first paragraph by “, on the same conditions as those applicable to other members,”;

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

"The optional or compulsory nature of the membership does not constitute a requirement for the purposes of the first paragraph."

21. Section 36 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is again amended by replacing "requirements for membership" in the second line of subparagraph 1 of the first paragraph by "eligibility requirements fixed by the plan".

22. The said Act is amended by inserting the following section after section 39:

"39.1. Notwithstanding sections 39 and 140, the Régie may authorize an employer, to the extent and for the period determined by the Régie, to pay a lesser contribution into the pension fund than would otherwise be required if

(1) the pension plan is a designated plan within the meaning of section 8515 of the Income Tax Regulations on the date on which the amount of contribution to be paid is determined;

(2) the said Regulations exclude the payment as an eligible contribution of all or part of the contribution that should be paid by the employer pursuant to sections 39 and 140; and

(3) all members and beneficiaries agree thereto."

23. Section 41 of the said Act is amended

(1) by inserting "an hourly rate or" after "represent" in the third line of the second paragraph;

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

"In the case of a pension plan to which Chapter X applies, where the employer contribution is not determined at the beginning of the fiscal year, the employer shall, until an actuarial valuation report is transmitted to the Régie, continue to pay the monthly amounts fixed for the preceding fiscal year. If the contribution so paid is less than what should have been paid according to the report, the first monthly amount payable after the transmission of the report to the Régie shall be increased by the difference between the monthly amounts paid and the amounts that should have been paid according to the report, plus the interest provided for in section 48 where applicable. The amount of the contribution may also be adjusted if the contribution that should have been paid according to the report is less than what was paid."

24. Section 44 of the said Act is amended

(1) by inserting “and to the extent that the contribution relates to refunds or pension benefits that remain insured” after “provides” in the fourth line of subparagraph 1 of the first paragraph;

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

“However, if the plan provides that the members may direct what investments are made with all or part of the contributions credited to their accounts or if additional voluntary contributions are invested into a separate uninsured plan, all such investments shall be excluded from the plan assets for the purposes of subparagraphs 1 and 2 of the first paragraph, and the contributions so invested shall bear interest at the rate of return on such investments.”

25. Section 47 of the said Act is amended by striking out “or 100” in the eleventh line.

26. Section 48 of the said Act is amended by replacing “date of default, at the rate prescribed by section 44 or 45” in the third and fourth lines by “last day of the month following the month for which it should have been paid or, as the case may be, the last day of the month following the month in which it was collected, at the rate prescribed by section 44 or 45 or, in the case of the employer contribution under a defined benefit plan, at the rate of return of the pension fund”.

27. Section 51 of the said Act is amended

(1) by replacing “and” in the first line by “or”;

(2) by replacing “doivent” in the second line of the French text by “doit”.

28. Section 56 of the said Act is repealed.

29. Section 58 of the said Act is amended

(1) by inserting “the bridging benefit representing” after “therefrom, and” in the fifth line of the first paragraph;

(2) by replacing “until he is eligible for any benefit, other than an early retirement pension,” in the sixth and seventh lines of the first paragraph by “until a date that is neither earlier than the date on which the member becomes eligible for an early retirement pension”;

(3) by adding “nor later than the date on which the member becomes eligible for a retirement pension under such an Act or program” after “regulation” at the end of the first paragraph.

30. Section 59 of the said Act is amended by replacing paragraphs 2 and 3 by the following paragraphs:

"(2) each payable amount is uniformly increased by reason of the application, in determining the pension, of an index or rate specified in the plan, by reason of a redetermination of the pension pursuant to section 89.1 or by reason of the option authorized by subparagraph 2 of the first paragraph of section 93 or is uniformly modified by reason of options authorized by section 91.1 or by subparagraphs 3, 4 and 6 of the first paragraph of section 93 or by reason of the partition of benefits between the member and the member's spouse in accordance with Chapter VIII;

"(3) the pension is replaced by a lump sum payment or by a series of payments made pursuant to subparagraph 4 or 6 of the first paragraph of section 93;

"(4) the pension is increased by reason of the termination of a disability pension under the Act respecting the Québec Pension Plan when the member reaches 65 years of age; or

"(5) the amounts payable as a bridging benefit referred to in the first paragraph of section 58 are reduced pursuant to the plan on a date that occurs between the dates mentioned in that paragraph."

31. Section 60 of the said Act is amended

(1) by inserting ", even a transfer other than a transfer" after "assets" in the first line of subparagraph 3 of the second paragraph;

(2) by replacing "are to be borne by the member" in the last two lines of subparagraph 5 of the second paragraph by ", as estimated at the date the election is exercised, are to be borne by the member. In such a case, the value of the obligations, determined on the basis of the assumptions referred to in section 61, must be equal, at that date, to the amount paid by the member";

(3) by adding the following subparagraph after subparagraph 6 of the second paragraph:

"(7) to an additional benefit under section 60.1."

32. The said Act is amended by inserting the following section after section 60:

"60.1. A member who ceases to be an active member is entitled to an additional pension benefit determined as prescribed by regulation and equal to or greater than the amount by which A exceeds B, where

"A" is the value of the pension determined pursuant to the second paragraph and of related benefits, increased by the member contributions which, assuming the member had been entitled to such a pension under the plan, would be above the limit set in section 60; and

"B" is equal to the value of the pension benefit to which the member would be entitled without reference to the second paragraph and of related benefits, increased by the member contributions which are above the limit set in section 60.

For the purpose of calculating the additional pension benefit, the value of a pension having the same characteristics as the normal pension, except the pension supplement provided by the pension plan for the payment of a minimum pension, shall be determined, based on the assumption that payment of the pension begins at the normal retirement age and allowing for adjustment of the pension between the date the member ceases to be an active member until the date the member reaches the age that is ten years under normal retirement age. The adjustment shall be the percentage corresponding to 50% of the change in the seasonally unadjusted All-Items Consumer Price Index for Canada published by Statistics Canada between the month the member ceases to be an active member and the month the adjustment ceases; however, the annualized adjustment rate cannot be less than 0% or greater than 2%.

If the member dies before becoming entitled to a pension, the value of the additional pension benefit shall be determined based on the assumption that the member ceased to be an active member on the day of the member's death, for a reason other than death.

This section does not apply to benefits referred to in subparagraphs 1 to 6 of the second paragraph of section 60."

33. Section 61 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is replaced by the following section:

"61. The value of a pension benefit to which sections 60 and 60.1 apply shall be determined at the date of vesting on the basis of the actuarial assumptions determined by regulation.

However, with the authorization of the Régie and on the conditions it fixes, the value may be determined on the basis of the actuarial assumptions determined by the plan, provided the resulting value is always equal to or greater than the value that would result from the application of the first paragraph."

34. Section 63.1 of the said Act is replaced by the following section:

"63.1. Where a pension plan cannot continue to be a registered pension plan as defined in section 1 of the Taxation Act, either because the value of the benefits accrued to a member or a beneficiary under defined-benefit provisions exceeds the amount which may be transferred directly to another plan or because the amount of contributions paid each year into the pension fund under defined-contribution provisions exceeds the limits imposed, the pension committee must refund the excess to the member or beneficiary concerned."

35. Section 64 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is again amended by replacing "2460" in the second line by "2459".

36. Section 65 of the said Act is amended by inserting "63.1," after "63," in the first line.

37. Section 66 of the said Act is replaced by the following section:

"66. A member who ceases to be an active member is entitled to a refund of the value of the benefits accrued to the member if less than 20% of the Maximum Pensionable Earnings established pursuant to the Act respecting the Québec Pension Plan for the year in which the member ceases to be an active member. This right may be exercised, before a pension commences to be paid to the member under the plan, by applying within 90 days after receiving the statement provided for in section 113 and, subsequently, every five years from the date on which the member ceased to be an active member, within 90 days after the date of expiry of the fifth year.

Where the requirements set out in the first paragraph are met, the pension committee may refund the value of the member's pension to the member in satisfaction of the member's rights under the plan. The committee must first send a notice to the member requesting instructions as to the refund formula; where no reply is received within 30 days of the sending of the notice, the committee may make the refund, which possibility shall be mentioned in the notice."

38. The said Act is amended by inserting the following section after section 66:

"66.1. A member who has ceased to be an active member, whose period of continuous employment has ceased and who has not been residing in Canada for at least two years is entitled to a refund of the value of the benefits accrued to the member."

39. Section 67 of the said Act is amended

(1) by replacing "if they result from the conversion of member or employer contributions transferred under section 98 or 100" in the fourth and fifth lines of the first paragraph by ", subject to section 102, if the amounts come from a transfer, even otherwise than under section 98";

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

"The right to withdraw contributions may be exercised by applying within 90 days after receiving the statement provided for in section 113 and, subsequently, every five years from the date on which the member ceased to be an active member, within 90 days after the date of expiry of the fifth year."

40. The said Act is amended by inserting the following section after section 67:

"67.1. Notwithstanding the second paragraph of section 5, no pension plan may provide for refunds contrary to the provisions of this Act.

However, this section does not prevent a plan from allowing more time for the exercise of the right to a refund."

41. Section 69 of the said Act is replaced by the following section:

"69. Every member who ceases to be an active member is entitled to a deferred pension equal to or greater than the normal pension."

42. Section 69.1 of the said Act is amended

(1) by replacing "ou" in the fifth line of the first paragraph of the French text by "au";

(2) by striking out "or, where applicable, a part of that amount proportional to the number of months in the year covered by the agreement" in the second, third and fourth lines of subparagraph 2 of the first paragraph.

43. Section 71 of the said Act is amended by replacing the first paragraph by the following paragraph:

"71. Every member whose period of continuous employment is terminated within ten years of the date on which the member will attain normal retirement age is entitled to an early retirement pension."

44. Section 78 of the said Act is amended by adding the following sentence at the end: "The additional pension must also meet the requirements set out in section 84."

45. Section 81 of the said Act is amended by replacing "actuarial assumptions identical to those which were transmitted to the Régie" in the second line of the second paragraph by "the assumptions referred to in section 61".

46. Section 82.1 of the said Act is amended by replacing "according to actuarial assumptions and methods identical to those transmitted to the Régie" in the second and third lines of the third paragraph by "on the basis of the assumptions referred to in section 61".

47. Section 84 of the said Act is amended by replacing "according to actuarial assumptions and methods identical to those which were transmitted to the Régie" in the first, second and third lines of the first paragraph by "on the basis of the assumptions referred to in section 61".

48. Section 85 of the said Act, amended by section 26 of chapter 14 of the statutes of 1999, is again amended

(1) by adding the following sentence at the end of the second paragraph: "However, where the member dies without having received any refund or pension benefit under the pension plan other than the benefit provided for in section 69.1, spousal status shall be established as of the day preceding the death.";

(2) by adding the following paragraphs after the second paragraph:

"For the purposes of subparagraph 2 of the first paragraph, the birth or adoption of a child during a marriage or a period of conjugal relationship prior to the period of conjugal relationship existing on the day as of which spousal status is established may qualify a person as a spouse.

Notwithstanding subparagraph 1 of the first paragraph, a person who is legally separated from bed and board on the day as of which spousal status is established is not entitled to any benefit under this subdivision unless the person is the member's successor or was named in a notice sent by the member under section 89."

49. Section 86 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is replaced by the following section:

"86. Where a member dies without having received any refund or pension benefit under the pension plan other than the benefit provided for in section 69.1, the member's spouse or, if there is no spouse, the member's successors shall be entitled to a lump sum benefit equal to or greater than

(1) the value of any pension to which the member was entitled prior to death; or

(2) if the member was not entitled to a pension prior to death, the value of the deferred pension to which the member would have been entitled had the member ceased to be an active member on that day and not died.

The value of the benefit provided for in the first paragraph shall be determined without reference to the assumptions as to survival or mortality for the period prior to the first payment of the pension. Moreover, the following shall be added, where applicable, to the value of the benefit:

(1) any voluntary additional contribution credited to the account of the member and any member contribution paid in excess of the limit set in section 60 as well as the value of the additional pension under section 60.1, with accrued interest, as well as any amounts previously transferred, even otherwise than under section 98, with accrued interest, or the value of the pension purchased with those amounts; and

(2) any interest accrued between the date of death and the date of payment of the lump sum benefit, at the rate used for determining the value thereof.

This section does not apply if the surviving spouse of the member is entitled, upon the member's death, to a pension equal to or greater than the benefit provided for in this section."

50. Section 87 of the said Act is amended

(1) by replacing " or under subparagraph 2" in the first line of subparagraph 1 of the first paragraph by ", under section 92.1 or under subparagraph 2 or 3";

(2) by adding the following subparagraph after subparagraph 3 of the first paragraph:

"(4) a bridging benefit referred to in the first paragraph of section 58.";

(3) by striking out the second paragraph;

(4) by adding "and, until the date on which the member, had the member survived, would have ceased receiving the temporary pension, the amount of the bridging benefit" at the end of the third paragraph.

51. The said Act is amended by inserting the following section after section 88:

"88.1. The spouse of a member may waive the rights conferred by this subdivision by transmitting to the pension committee a statement containing the information prescribed by regulation. The spouse may also revoke the waiver provided the committee is notified in writing before the member's death or, in the case of the pension referred to in the second paragraph of section 87, before the first payment of the member's pension.

A waiver under this section does not entail a waiver of the rights which may devolve upon the spouse as the member's successor. In addition, notwithstanding such a waiver, the pension plan is deemed, for the purposes of article 415 of the Civil Code of Québec, to be governed by an Act which grants a right to death benefits to the surviving spouse."

52. Section 89 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is replaced by the following sections:

"89. The right of a member's spouse to benefits under this subdivision is terminated by separation from bed and board, divorce or annulment of marriage or cessation of conjugal relationship except if the member has notified the pension committee in writing to pay the pension to the spouse notwithstanding the divorce, annulment of marriage, separation from bed and board or cessation of conjugal relationship.

"89.1. Where a member's pension has been established having regard to the right of the member's spouse to a pension under section 87 and the spouse's right is terminated pursuant to section 89, the member is entitled, on request to the pension committee, to a pension redetermination as of the effective date of the judgment granting the separation from bed and board, the divorce or the annulment of marriage, or as of the date of the cessation of conjugal relationship. The redetermined pension shall be in the same amount and have the same characteristics as the pension that would be payable to the member at the date of redetermination had the member not had a spouse on the date the payment of the pension began.

Unless the pension committee has received the notice provided for in section 89, it must also redetermine the member's pension if the benefits accrued to the member under the plan are partitioned, pursuant to section 107 or 110, subsequent to the first payment to the member of a pension established having regard to the spouse's right to a pension under section 87.

The redetermination of a pension under this section cannot alone operate to reduce the amount of a pension paid to the member."

53. Section 91 of the said Act is repealed.

54. Section 91.1 of the said Act is amended

(1) by striking out "and whose age is ten years or less under normal retirement age or who has attained or exceeded that age" in the second and third lines of the first paragraph;

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) payment of the temporary pension must not begin more than ten years before the member or spouse attains normal retirement age, and must end no later than the last day of the month following the month in which the member or spouse attains 65 years of age.

Notwithstanding subparagraph 2 of the first paragraph, the pension plan may allow a member or spouse who is more than ten years under normal retirement age and who has become entitled to a pension to elect, before payment of the pension begins, to replace it by a pension the amount of which is adjusted by reference to the benefits determined under the Old Age Security Act, the Act respecting the Québec Pension Plan or a similar plan within the meaning of paragraph *u* of section 1 of the latter Act. In such a case, the annual amount of the replacement pension increased, where applicable, by the annual amount of any other temporary benefit to which the member or the spouse is entitled under the plan shall not exceed the lesser of

(1) 40% of the Maximum Pensionable Earnings established pursuant to the Act respecting the Québec Pension Plan for the year in which payment of the pension begins; and

(2) the amount of the temporary benefit to which the member or spouse would be entitled if the entire life pension were converted into a temporary pension ceasing on the last day of the month following the month in which the member or the spouse attains 65 years of age.

Upon attaining the age which is ten years under normal retirement age, a member or spouse who is receiving a pension under the second paragraph is entitled to elect to replace it by a temporary pension which meets the conditions set out in the first paragraph.";

(3) by replacing "the first paragraph" at the end of the second paragraph by "this section".

55. The said Act is amended by inserting the following section after section 92:

"92.1. Unless payment of the pension is guaranteed for a longer period, a member who has become entitled to a pension under a pension plan is entitled to elect, before payment of the pension begins, to replace it by a pension the payment of which is guaranteed for ten years."

56. Section 93 of the said Act is amended

(1) by replacing "adjusted" in the first line of subparagraph 2 of the first paragraph by "increased";

(2) by inserting "amount of the" before "spouse's" in the fourth line of subparagraph 3 of the first paragraph;

(3) by replacing ", the amount of the spouse's pension which results from this election shall not be less than the pension to which he would have been entitled under section 87" in the last three lines of subparagraph 3 of the first paragraph by "before the date on which payment of the member's pension begins, the amount of the spouse's pension which results from the election shall not be less than 60% of the amount of the member's pension";

(4) by striking out subparagraph 5 of the first paragraph.

57. Section 94 of the said Act is amended by replacing the last paragraph by the following paragraph:

"No reduction other than the reduction made by reference to the retirement benefit payable under the public plan may be made in determining the normal pension."

58. Section 95 of the said Act is amended by adding "and without reference to any reduction of that benefit subsequent to a partition of benefits between spouses" at the end of the first paragraph.

59. Section 96 of the said Act is amended

(1) by striking out "accrued under the pension plan" in the third line;

(2) by replacing "accrued in respect of" in the second and third lines of paragraph 2 by "relating to";

(3) by replacing "accrued under the pension plan" in the first line of paragraph 3 by "concerned".

60. Section 98 of the said Act is amended

(1) by striking out "the member contributions paid by him into the plan, if he is not entitled to the payment of a pension benefit, and" in the first and second lines of subparagraph 1 of the first paragraph;

(2) by replacing "is applied for within the time limit set out in subparagraph 2 or 3 of the second paragraph of section 99" in the first and second lines of subparagraph *b* of subparagraph 2 of the first paragraph by "is not applied for within that time limit";

(3) by replacing "according to actuarial assumptions and methods identical to those which were transmitted to the Régie and" in the fourth and fifth lines of subparagraph *b* of subparagraph 2 of the first paragraph by "on the basis of the assumptions referred to in section 61";

(4) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) the amounts previously transferred, even otherwise than under this chapter, with accrued interest, or the amount corresponding to the value of the pension purchased with the amounts transferred; that value must be determined on the basis of the assumptions referred to in section 61 which are used, at the date of vesting of the pension if the transfer is applied for within the time limit set out in subparagraph 1 of the second paragraph of section 99 or at the date the transfer is applied for in other cases, to determine the value of other pension benefits to which section 60 applies and which are vested on that date.";

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

"Interest calculated, until the date of transfer, at the rate used to determine the value of the pension benefit to which the member is entitled shall be added to the values referred to in subparagraphs *a* and *b* of subparagraph 2 and in subparagraph 4 of the first paragraph."

61. Section 99 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"99. The right to a transfer under section 98 may be exercised by a member who is at least ten years under the normal retirement age set by the plan. However, a pension plan may prohibit members who, upon termination of continuous employment, would be entitled to an early retirement pension equal to or greater than the normal pension from making transfers to another pension plan.";

(2) by striking out "only" in the first line of the second paragraph;

(3) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) within 90 days from receipt of a statement pursuant to section 113;";

(4) by inserting "from the date on which the member ceased to be an active member" after "year" in the second line of subparagraph 2 of the second paragraph;

(5) by replacing "180" in subparagraphs 2 and 3 of the second paragraph by "90";

(6) by adding the following sentence at the end of the third paragraph: "A member who is less than ten years under normal retirement age or who has attained or exceeded normal retirement age is entitled to transfer those amounts at all times, insofar as payment of the pension has not begun.";

(7) by adding the following paragraph after the third paragraph:

"The pension committee has 60 days from the receipt of a transfer application to effect the transfer."

62. Section 100 of the said Act is repealed.

63. Section 102 of the said Act is replaced by the following section:

"102. Unless the pension plan provides that the amount must be used for the purchase of a pension, a member who ceases to be an active member is entitled to the refund of any amount transferred, even otherwise than under this chapter, which would have been refundable under the pension plan from which it was transferred."

64. Section 103 of the said Act is amended

(1) by inserting ", even otherwise than under this chapter," after "transferred" in the second line;

(2) by inserting "or such amount is refunded under section 102" after "amount" in the third line.

65. Section 104 of the said Act is replaced by the following section:

"104. A member is entitled, from the date payment of a pension begins, to the pension purchased with amounts transferred, even otherwise than under this chapter, which were not refunded pursuant to section 102."

66. Section 105 of the said Act is amended

(1) by replacing "transferred amounts" in the second line of the first paragraph by "amounts transferred, even otherwise than under this chapter,";

(2) by replacing "according to actuarial assumptions and methods identical to those which were transmitted to the Régie and" in the third and fourth lines of the first paragraph by "on the basis of the assumptions referred to in section 61";

(3) by adding the following paragraph after the second paragraph:

"This section does not apply to a pension purchased with amounts transferred under section 106."

67. Section 106 of the said Act is amended

(1) by replacing "according to actuarial assumptions and methods identical to those which were transmitted to the Régie and" in the fifth and sixth lines of the first paragraph by "on the basis of the assumptions referred to in section 61";

(2) by striking out the second paragraph.

68. Section 108 of the said Act is amended by adding the following paragraph after the second paragraph:

"The member and the member's spouse are also entitled to receive a statement of benefits, upon an application in writing to the pension committee, for the purposes of pre-hearing mediation concerning a family matter. The statement shall contain the information determined by regulation."

69. Section 109 of the said Act is amended by adding the following paragraph at the end:

"However, the benefits awarded to the spouse following a seizure for non-payment of support in accordance with the last paragraph of article 553 of the Code of Civil Procedure shall be paid in a lump sum, subject to the terms and conditions prescribed by regulation."

70. Section 110 of the said Act is amended

(1) by replacing "within six months" in the third line of the first paragraph by "in the ensuing year";

(2) by inserting the following paragraph after the second paragraph:

"An agreement under the first paragraph may also apply to the amounts transferred to another pension plan pursuant to section 98."

71. Section 111 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: "The pension committee shall provide to each member or employee eligible for membership a written summary of the pension plan, including each of the particulars referred to in the second paragraph of section 14, together with a brief description of a member's rights and obligations under the plan and this Act and a statement of the principal advantages of membership in the pension plan.";

(2) by striking out the last sentence of the first paragraph;

(3) by striking out "or of the amendment" in subparagraph 2 of the second paragraph;

(4) by striking out the third paragraph.

72. The said Act is amended by inserting the following section after section 111:

"111.1. If a pension plan provides that the pension paid to members is reduced by direct or indirect reference to the benefits payable under a public plan referred to in section 94, any document provided to a member, a beneficiary or an eligible employee concerning the benefits payable under the pension plan or the manner of calculating them must mention the reduction and the manner of calculating it."

73. Section 112 of the said Act is replaced by the following section:

"112. Within nine months after the end of every fiscal year, the pension committee shall transmit to each member and beneficiary a document containing a summary of the provisions of the pension plan that were amended during the last fiscal year and a brief description of the rights and obligations arising therefrom, together with an annual statement containing the information prescribed by regulation in particular with respect to

(1) the benefits accrued to the member during the last fiscal year and from the beginning of membership in the plan until the end of the last fiscal year; and

(2) the financial position of the pension plan.

If it has been informed that an association has been created to represent non-active members or beneficiaries under the plan, the pension committee

shall append a notice to the annual statement indicating the name and address of the association.

The pension committee is not required to send an annual statement to members to whom a statement was sent under section 113 indicating their accrued benefits as of a more recent date. However, the exemption provided by this paragraph does not dispense the pension committee from sending members the notice provided for in the second paragraph."

74. Section 113 of the said Act is amended by striking out the last sentence of the first paragraph.

75. Section 114 of the said Act is amended

(1) by replacing "an active member" in the last line of the first paragraph by "a member";

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

"The examination shall take place either at the office of the pension committee or at the establishment of the employer designated by the committee, whichever is closer to the applicant's residence."

76. Section 116 of the said Act is replaced by the following section:

"116. This chapter does not apply

(1) to an insured pension plan in respect of which the insurer has undertaken to pay all costs and satisfy all rights arising from the termination of the plan;

(2) to an uninsured pension plan under which the benefits to which the members and beneficiaries are entitled derive only and at all times from amounts credited to them; or

(3) to an uninsured pension plan under which the benefits to which the members and beneficiaries are entitled are either pension benefits and refunds that are insured at all times or benefits described in paragraph 2."

77. Section 119 of the said Act is amended

(1) by replacing "plan" in the fourth line of the first paragraph of the English text by "actuarial valuation";

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

"Unless the Régie grants an extension, the pension committee shall transmit every actuarial valuation report to the Régie

(1) within nine months after the date of the actuarial valuation in the case of an actuarial valuation required under paragraph 3 of section 118 or an actuarial valuation other than an actuarial valuation required under section 118; and

(2) within the time fixed by the Régie, which shall be at least 60 days, in the case of an actuarial valuation required under paragraph 4 of section 118.

The funding of a pension plan cannot be based on an actuarial valuation report until such time as the report has been transmitted to the Régie. In addition, a report that has been transmitted to the Régie can only be amended or replaced at the request or with the authorization of and subject to the conditions fixed by the Régie."

78. Section 130 of the said Act is replaced by the following section:

"130. The actuarial valuation required under paragraph 2 of section 118 may be limited to the determination on a funding basis of the value of the additional obligations arising from an amendment to the pension plan or may only concern the variation in the current service contribution arising from the amendment. The value or the variation shall be determined on the basis of the same assumptions and methods as were used for the preceding actuarial valuation, unless they are not appropriate in view of the nature of the amendment made to the pension plan.

However, where the amendment to the pension plan increases the pensions already in payment and the additional obligations arising from the amendment are insured at the date on which the actuarial valuation report is prepared, the value of the obligations may be assumed to correspond to the premium paid to the insurer, discounted at the date of actuarial valuation according to the rate of return of the pension fund.

Where the amendment increases the obligations arising from the pension plan, an improvement unfunded actuarial liability equal to the value of the additional obligations shall be determined unless

(1) the actuary certifies that the pension plan would be funded and solvent or partially solvent if an actuarial valuation of the whole pension plan were made on the effective date of the amendment; and

(2) the value of the additional obligations is less than or equal to the value of the surplus assets determined at the time of the last actuarial valuation of the whole plan, less any portion of the surplus assets used pursuant to Chapter X.1 and the value of the obligations arising from any other amendment to the pension plan which, after being the subject of an actuarial valuation subsequent to the last valuation of the whole plan, was certified pursuant to subparagraph 1.

The period of amortization of the unfunded liability cannot exceed five years unless the actuary certifies that the pension plan is solvent or partially solvent at the valuation date.

Unless the actuary certifies that the degree of solvency of the pension plan at the valuation date is or exceeds 100%, the actuary shall estimate the degree of solvency of the plan at the valuation date and indicate it in the actuary's report. In addition, the estimated degree of solvency applies from the date the valuation report is transmitted to the Régie for the purpose of paying out the value of benefits to members and beneficiaries under section 142.

Every certification required under this section shall reflect the financial position of the plan at the date of the actuarial valuation, estimated on the basis, in particular, of the actual rate of return of the pension fund and the contributions actually paid into the pension fund since the last actuarial valuation of the whole plan."

79. Section 133 of the said Act is replaced by the following section:

"133. Where the employer pays a contribution which exceeds the contribution required under sections 39 and 140, the excess paid since the date of the last actuarial valuation of the whole pension plan may serve to reduce, in the following order, the amounts remaining to be paid in connection with

(1) any amount determined pursuant to subparagraph 4 of the second paragraph of section 137;

(2) any technical actuarial deficiency;

(3) any initial unfunded actuarial liability;

(4) any improvement unfunded actuarial liability.

The reduction must, where applicable, be effected at the time of the first actuarial valuation of the whole pension plan subsequent to the excess payment of contribution.

If the excess is insufficient to eliminate an unfunded liability or an amount determined pursuant to subparagraph 4 of the second paragraph of section 137, the reduction shall be applied proportionately to each amount remaining to be paid. In addition, if there is more than one unfunded liability or deficiency of the same nature or more than one amount determined pursuant to the said subparagraph, the reduction shall be applied from the earliest to the most recent."

80. Section 134 of the said Act is amended

(1) by replacing "subparagraph 3" in the fifth line of the first paragraph by "subparagraph 4";

(2) by adding the following sentence at the end of the second paragraph: "This paragraph may not operate to prevent the reduction of the amortization amounts which, in relation to an improvement unfunded actuarial liability, remain to be paid after the fifth year following the date of the actuarial valuation.";

(3) by adding the following paragraph after the second paragraph:

"If the reduction option under section 133 is exercised, no reduction under this section may be made before that reduction. Moreover, if an improvement unfunded actuarial liability is determined at the date of the actuarial valuation, a reduction under this section can only be made before the determination of the unfunded liability. In such a case and for the sole purposes of the second paragraph, the liabilities of the plan on a solvency basis may be determined without reference to the related amendment to the plan."

81. Section 138 of the said Act is replaced by the following section:

"138. For the purpose of determining the solvency of a pension plan, the assets of the plan shall be established according to their liquidation value or an estimate thereof and be reduced by the estimated amount of the administration costs to be paid out of the pension fund assuming that the pension plan is terminated on the valuation date.

The liabilities of the pension plan shall be equal to the value of the obligations arising from the plan assuming that the plan is terminated on that date. Where the plan provides expressly that the amount of a member's pension must be established with reference to the progression of the member's remuneration after termination, the value of the pension must be established assuming that the plan is terminated in such circumstances that the benefits accrued to the member in respect of the pension must be estimated at their maximum value. Where the plan provides for other obligations the value of which depends on the circumstances in which the plan is terminated, they must be included in the liabilities to the extent provided in the scenario used for that purpose by the actuary in charge of the valuation.

If the liabilities established pursuant to the second paragraph are less than the value of the obligations arising from the pension plan assuming that the plan is terminated on the valuation date in such circumstances that the benefits accrued to the members must be estimated at their maximum value, the valuation report must also indicate the latter value.

The values referred to in the second and third paragraphs shall be determined by applying sections 211 and 212 and subparagraph 1 of the second paragraph of section 212.1, with the necessary modifications. In the case of pensions already in payment, inasmuch as they are not insured at the valuation date, those values shall be determined according to an estimation of the premium that an insurer would charge to insure the pensions in the thirty-day period following the valuation date.

Where, at the valuation date, the liabilities of the pension plan on a funding basis include obligations arising from an amendment whose effective date is subsequent to the date of the actuarial valuation but prior to the date referred to in paragraph 3 of section 118, the liabilities on a solvency basis shall be computed on the assumption that the effective date of the amendment is the valuation date. In addition, the degree of solvency determined on the basis of the liabilities so calculated shall apply, for the purpose of paying out the value of benefits to members and beneficiaries under section 142, from the effective date of the amendment or, where there is more than one effective date, from the first thereof."

82. Section 140 of the said Act is amended by replacing "from the date of default, at the rate prescribed by section 44 or 45" in the fifth and sixth lines of the second paragraph by "from the last day of the month following that for which it should have been paid, at the rate of return of the pension fund".

83. Section 145 of the said Act is amended by replacing "under section 98 or 100" in the fourth line by ", even other than a transfer under section 98".

84. The said Act is amended by inserting the following chapter after section 146:

"**CHAPTER X.1**

"APPROPRIATION OF SURPLUS ASSETS TO PAYMENT OF EMPLOYER CONTRIBUTIONS

"DIVISION I

"GENERAL PROVISIONS

"146.1. The surplus assets of a pension plan may only be appropriated to the payment of employer contributions if, at the date of the last actuarial valuation of the whole plan, no amount remained to be paid in connection with an unfunded actuarial liability or an amount determined under subparagraph 4 of the second paragraph of section 137 and if that valuation determined a surplus of assets both on a funding basis and on a solvency basis.

"146.2. The maximum amount of surplus assets that may be appropriated to the payment of employer contributions shall be the lesser of the surplus assets of the pension plan as determined on a funding basis and the surplus assets as determined on a solvency basis in the last actuarial valuation of the whole plan, reduced to take into account the value of the additional obligations arising from any amendment to the plan which, having been made after the last actuarial valuation of the whole plan, has not entailed the determination of an improvement unfunded actuarial liability.

In the case of a pension plan to which Chapter X does not apply, the maximum amount shall be limited to the portion of the assets which exceeds

the value of the obligations arising from the plan, assuming that the plan is terminated.

"146.3. The appropriation of surplus assets to the payment of employer contributions must cease on the date of any actuarial valuation showing that there are no surplus assets or that surplus assets are below the levels required for the purposes of section 146.2.

"DIVISION II

"CONFIRMATION OF EMPLOYER'S RIGHT TO APPROPRIATE SURPLUS ASSETS TO PAYMENT OF CONTRIBUTIONS

"146.4. The employer's right to appropriate to the payment of employer contributions all or part of the surplus assets of a pension plan that is effective on 31 December 2000 or of a pension plan resulting from the division after that date of a pension plan that was effective on that date may be confirmed by an amendment made to the plan in accordance with section 146.5. However, no such amendment may be made while an application for union certification involving members of the plan is pending; if the application is granted, the prohibition is extended to the date of signature of the first collective agreement.

"146.5. An amendment to a pension plan confirming the employer's right to appropriate surplus assets to the payment of employer contributions and operating as provided in section 146.7 can only be made to give effect to a proposal of the employer which not only satisfies the requirements imposed by law and the pension plan for the amendment of the plan and has received consent from all parties as required thereunder, but also has received the concurrence

(1) of each certified association within the meaning of the Labour Code (chapter C-27) representing active plan members belonging to a class of employees for whom the plan is established;

(2) of any party with whom the employer is bound by a written contract, other than the pension plan, pertaining to the use, before the termination of the plan, of the part of the pension fund that constitutes surplus assets; and

(3) in the case of a multi-employer pension plan, even not considered as such under section 11, of all the employers party to the plan on the date on which the proposal is made.

Where there is disagreement concerning the application of the first paragraph, the employer and the parties whose consent is required under that paragraph may, if all agree, refer the matter to an arbitrator, defining his or her mandate. The decision of the arbitrator is binding on all interested persons and the required consent to the amendment is deemed to have been obtained from all the parties.

"146.6. Where a pension committee is planning to apply for the registration of an amendment under section 146.5, it shall, not less than 60 days before the intended effective date of the amendment, inform every member and beneficiary and every certified association referred to in section 146.5 by way of a notice containing the following information:

(1) for each of the last four completed fiscal years, the amount of any surplus assets appropriated to the payment of employer contributions;

(2) any provisions of the pension plan in force on the date of the notice which concern the appropriation of surplus assets and their effective date;

(3) the text of the provisions resulting from the amendment; and

(4) any other information determined by regulation.

A copy of the notice shall be provided to the Régie according to the same timeframe.

An application for registration must be submitted with all that is required under section 24 as well as an attestation of the pension committee that the consent required has been obtained from all parties and that documents evidencing such consent can be provided to the Régie by the committee on request.

"146.7. From their effective date, the provisions of the pension plan resulting from an amendment under section 146.5 or 146.8 that concern the employer's right to appropriate all or part of the surplus assets to the payment of employer contributions prevail over any other provision of the plan or of an agreement and are binding on every person having rights or obligations under the plan.

"146.8. Any amendment of a provision resulting from an amendment made under section 146.5 requires the consent required under the first paragraph of that section.

The application for registration of an amendment under the first paragraph can only be made after the notice provided for in section 146.6 is sent as and when provided therein.

"146.9. The effective date of an amendment made under section 146.5 or 146.8 must be mentioned in every provision resulting therefrom and in the related application for registration. The amendment cannot determine a date of expiry for the right confirmed.

All provisions concerning the appropriation of surplus assets to the payment of employer contributions must be grouped in an easily identifiable section of the pension plan."

85. Section 147 of the said Act is replaced by the following section:

"147. Every pension plan shall, from its registration, be administered by a pension committee composed of at least one member, designated as and when provided in the pension plan, who is neither a party to the plan nor a third person to whom, under section 176, a loan may not be granted, and the following members:

(1) one member designated by the active members at the meeting held pursuant to section 166 or, in the absence of such a designation, one plan member designated as and when provided in the plan; and

(2) one member designated by the non-active members and beneficiaries at that meeting or, in the absence of such a designation, one plan member or beneficiary designated as and when provided in the plan."

86. The said Act is amended by inserting the following section after section 147:

"147.1. At the meeting held pursuant to section 166, the active members as a group and the non-active members and beneficiaries as a group may each designate a pension committee member in addition to those designated under section 147.

An additional member designated under the first paragraph has the same rights as other committee members except the right to vote. Section 156 does not apply in respect of an additional member."

87. The said Act is amended by inserting the following section after section 150:

"150.1. The pension committee may, at any time, submit its recommendations to the person or body who may amend the pension plan as to any eventual amendments to the pension plan."

88. Section 152 of the said Act is amended by inserting ", except those conferred by sections 243.3 and 243.7," after "powers" in the second line of the first paragraph.

89. Section 155 of the said Act is amended by replacing "The pension committee shall, within 30 days after the date on which the member designated by the plan members takes office," in the first and second lines of the first paragraph by "Except in the case of the renewal of a designation or the designation of a new member under section 167, the pension committee shall, within 30 days after a member having the right to vote takes office,".

90. Section 157 of the said Act is repealed.

91. Section 161 of the said Act is amended by replacing ", transmit to the Régie" in the second line of the first paragraph by "or, in the case of the first fiscal year of the plan, within any additional period granted by the Régie, transmit to the Régie".

92. Section 161.1 of the said Act is amended by adding the following sentence at the end of the third paragraph: "In so doing, an accountant acting in good faith incurs no civil liability."

93. Section 161.2 of the said Act is repealed.

94. The said Act is amended by inserting the following section after section 163:

"163.1. The pension committee may, in the course of the general administration of the pension plan, offset a debt of a member or beneficiary toward the pension fund against a pension benefit or refund payable to the member or beneficiary up to the greater of

(1) 25% of the pension benefit or refund; and

(2) 1/12 of the amount to be recovered, without exceeding 50% of the pension benefit or refund.

However, the offset may be applied against up to 100% of a pension benefit or refund if the debtor consents thereto in writing.

As well, a debt of a deceased member may be offset by the committee against the total amount of the death benefit payable to the member's successors."

95. Section 165 of the said Act is amended by replacing "total or partial termination of a pension plan" in the fourth line of the first paragraph by "withdrawal of an employer from a multi-employer pension plan or the termination of a pension plan".

96. Section 165.1 of the said Act is replaced by the following section:

"165.1. As soon as it is informed thereof, the pension committee shall notify the Régie in writing of any effective or proposed division or merger of the pension plan."

97. Section 166 of the said Act is amended

(1) by inserting " beneficiary and" after "member and" in the third line of the first paragraph;

(2) by replacing "each group of active members and non-active members, to decide whether or not it" in the eighth and ninth lines of the first paragraph

by "the active members as a group and, independently, the non-active members and beneficiaries as group to decide whether or not they" and by replacing "it so decides" in the ninth and tenth lines of that paragraph by "they so decide";

(3) by inserting "pursuant to section 147 or 147.1" after "pension committee" in the ninth line of the first paragraph;

(4) by inserting "or beneficiaries" after "members" in the last line of the first paragraph.

98. Section 167 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is replaced by the following section:

"167. If a member of the pension committee designated pursuant to section 166 having the right to vote is absent or unable to act or if such a seat on the committee is vacant, the other members of the committee shall designate a new member to fill the seat until the next meeting held pursuant to that section.

The committee may act likewise in case of a delay in replacing any other member having the right to vote that must be designated as and when provided for in the pension plan."

99. Section 168 of the said Act is amended by adding the following sentence at the end of the first paragraph: "Where the plan authorizes members to distribute all or part of the amounts credited to them among various investments, it must offer a minimum of three investment options which not only are diversified and involve varying degrees of risk and expected return but also allow the creation of portfolios that are generally well-adapted to the needs of the members."

100. Section 171 of the said Act is amended

(1) by replacing "fund" in the first line of the English text by "plan";

(2) by adding the following paragraph at the end:

"Moreover, the assets of the plan may not serve to secure any obligations other than those of the plan."

101. The said Act is amended by inserting the following section after section 171:

"171.1. Unless it is reasonable in the circumstances to act otherwise, the pension committee must endeavour to constitute a diversified portfolio so as to minimize the risk of major losses."

102. Section 172 of the said Act is replaced by the following section:

"172. The assets of the pension plan may not be invested, directly or indirectly, in securities controlled by the employer in a proportion greater than 10% of their book value.

For the purposes of this section, a security is controlled by the employer in particular if it is issued by the employer or by a partnership or legal person more than 50% of the voting rights of which are held by the employer."

103. Section 173 of the said Act is repealed.

104. Section 183 of the said Act is amended by adding the following paragraph after paragraph 3:

"(4) where the Régie becomes aware that the pension committee or a person to whom it has delegated powers has failed to comply with an order issued by the Régie."

105. Section 184 of the said Act is amended by replacing "assume the" in the first line of the English text by "place the pension plan under".

106. Section 185 of the said Act is amended by replacing "or, in the case of a plan established under a collective agreement or an arbitration award in lieu thereof, to the employees' association representing the members" in the fifth, sixth and seventh lines by " and to every certified association representing members".

107. Section 187 of the said Act is amended by replacing "assume the" in the first line of the first paragraph of the English text by "place the pension plan under".

108. Section 188 of the said Act is amended

(1) by replacing "and the members or, in the case of a plan established under a collective agreement or an arbitration award in lieu thereof, every employees' association" in the second and third lines of the second paragraph by ", the members and every certified association";

(2) by replacing "and to the members and, in the case of a plan established under a collective agreement or an arbitration award in lieu thereof, to every employees' association" in the third, fourth and fifth lines of the third paragraph by ", to the members and to every certified association".

109. Section 190 of the said Act is amended

(1) by inserting "or, where two or more employers are parties to the plan, amend the plan to allow for the withdrawal of an employer" after "plan" in the third line of the first paragraph;

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

"Notice of the date of termination or of the effective date of the amendment with an indication of the members affected shall be given to the pension committee, to the employer, to the members affected and to every certified association representing members."

110. Section 195 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs:

"195. The Régie shall not authorize a division of the assets and liabilities of a pension plan unless the value of the assets to be transferred is equal to the sum of

(1) the market value of the assets which, assuming that the plan is terminated on the effective date of the proposed division, should be allocated, pursuant to sections 220 to 225, to the group of benefits to which the members or beneficiaries affected are entitled; and

(2) the market value of the additional share of assets that would be allocated to that group of benefits if the surplus remaining after the distribution of assets were itself distributed between the groups of benefits constituted pursuant to subdivision 3 of Division II of Chapter XIII, in such manner that the assets of the plan were distributed among the groups proportionately to the value of the obligations arising from the plan from which the benefits in each of the groups derive.

The value of the obligations referred to in subparagraph 2 of the first paragraph must be determined as provided in subdivision 1 of Division II of Chapter X and be reduced by the value of the obligations arising from the plan with respect to any portion of an initial or improvement unfunded actuarial liability remaining to be paid at the date of division.

Any contribution which, at the date of division, an employer that is a party to a multi-employer pension plan has failed to pay into the pension fund or, as the case may be, to the insurer must be deducted from the share of the assets which is allocated to the group of benefits pertaining to that employer pursuant to the first paragraph. Moreover, the amount determined under the first paragraph must be adjusted to take into account the return on the investment of the plan assets, calculated according to the change in the market value of the assets from the effective date of the division to the date of the transfer, and the contributions paid in respect of and the pension benefits paid to the members and beneficiaries affected during that period.";

(2) by replacing "The Régie" in the first line of the second paragraph by "Furthermore, the Régie";

(3) by inserting "and, where the plan from which the assets are to be transferred is a plan to which subparagraph 17 of the second paragraph of section 14 applies and which was amended pursuant to section 146.5, in

respect of the employer's right to appropriate all or part of the surplus assets to the payment of employer contributions" after "termination" in the third line of the second paragraph.

111. Section 196 of the said Act is amended

(1) by inserting "or unless the applicable terms of the absorbing plan are more advantageous for the members and beneficiaries than the applicable terms of the absorbed plan" after "effects" in the fourth line of the first paragraph;

(2) by replacing "whether the effects are identical" in the fourth line of the first paragraph by "the effects of the applicable terms";

(3) by replacing "However, where the effects of the terms are not identical" in the first line of the second paragraph by "In other cases";

(4) by replacing "of the effects thereof — in particular those effects which result from the application of the last paragraph —" in the third and fourth lines of the second paragraph by "by the pension committee by means of a notice in writing only containing the information prescribed by regulation";

(5) by replacing "230.4 to 230.6" in the sixth line of the second paragraph by "230.4 and 230.6";

(6) by replacing the fourth paragraph by the following paragraphs:

"Furthermore, if the absorbing plan or the absorbed plan is a plan to which subparagraph 17 of the second paragraph of section 14 applies or which has been amended pursuant to section 146.5 in order to confirm the employer's right to appropriate all or part of the surplus assets to the payment of employer contributions, the merger may only be authorized if the concurrence of all parties whose consent would be required under section 146.5 for the amendment of the absorbed plan has been received.

If the merger is authorized, only the terms of the absorbing plan shall, as far as the employer's right to appropriate surplus assets of the plan to the payment of employer contributions and the allocation of surplus assets in the case of termination are concerned, be applicable to the members and beneficiaries of the absorbed plan who are affected by the merger."

112. Section 197 of the said Act is replaced by the following section:

"197. Any remuneration received or, as the case may be, any hours of employment completed before a division or merger must be taken into account for the purposes of section 34."

113. The heading of Chapter XIII of the said Act is replaced by the following heading:

" RIGHTS OF MEMBERS AND BENEFICIARIES ON WINDING-UP".

114. Division I of Chapter XIII of the said Act is replaced by the following division:

"DIVISION I

"WITHDRAWAL FROM MULTI-EMPLOYER PLAN AND TERMINATION OF PLAN

"§ 1. — *Withdrawal from multi-employer pension plan*

"198. The withdrawal of an employer from a multi-employer pension plan is conditional upon the amendment of the plan to that effect. The amendment of the plan is subject to authorization by the Régie.

The date of withdrawal is the effective date of the amendment. If the amendment is made following the bankruptcy of the employer, the effective date of the amendment is the date of the bankruptcy.

The persons affected by the withdrawal are

(1) the active members in the employ of the employer at the date of withdrawal;

(2) the non-active members at that date whose active membership ended while they were in the employ of the employer; and

(3) the beneficiaries at that date of a pension benefit that derives from the benefit of a member whose active membership ended while the member was in the employ of the employer.

"199. If an employer that is a party to a multi-employer pension plan is bankrupt or becomes insolvent, within the meaning of the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3), the plan must be amended to allow for the withdrawal of the employer and, where applicable, for substitution of another employer. If the person authorized under the plan to make such an amendment fails to do so within 30 days after the pension committee is informed of the insolvency or bankruptcy, the pension committee shall proceed with the amendment.

"200. Before applying for the registration of an amendment allowing for the withdrawal of an employer from a multi-employer pension plan, the pension committee shall, in addition to informing the members as required by section 26, send to every member and beneficiary affected by the withdrawal a notice informing them

(1) of the degree of solvency of the plan as established in the last actuarial valuation;

(2) of the effect of full payment of benefits under the plan, particularly as concerns the application of the second paragraph of section 230.1 and section 240.2;

(3) of the right of non-active members and beneficiaries affected by the withdrawal whose pension is in payment at the date of withdrawal to request, within the following 30 days, that payment of the pension be henceforth assumed by an insurer selected by the pension committee, according to the conditions prescribed by regulation, and that their rights under the plan be thus satisfied; and

(4) of the option available to members and beneficiaries affected by the withdrawal, other than those to whom paragraph 3 applies, to elect either not to require payment in full of their benefits under the plan or to require payment in full by means of a transfer under section 98, which applies with the necessary modifications, or, where applicable, by means of the payment in a lump sum or the transfer into a registered retirement savings plan of the portion of their accrued benefits that is refundable.

"201. An application for registration of an amendment allowing for the withdrawal of an employer from a multi-employer pension plan must include, in addition to what is required by section 24,

(1) the name of the withdrawing employer and the effective date of the amendment;

(2) the names of the members and beneficiaries affected, with the status of each, at the date referred to in paragraph 1, as an active member, a non-active member whose pension is not in payment, a non-active member whose pension is in payment or a beneficiary; and

(3) a copy of the notice provided for in section 200, together with a declaration of the pension committee certifying that the notice has been sent to every member and beneficiary affected.

"202. Within 60 days after the application for registration is filed with the Régie, the pension committee shall require the withdrawing employer to pay any contribution the employer has failed to pay into the pension fund or, as the case may be, to the insurer.

Within the same time or within such additional time as the Régie may grant, the pension committee shall file with the Régie a report establishing the benefits accrued to each member and beneficiary affected and the value thereof, and containing the information prescribed by regulation. The report must be prepared by an actuary; in the case of a plan referred to in paragraph 2 of section 116, it can be prepared by the pension committee. The value of the benefits accrued to the members and beneficiaries must be determined at the effective date of the amendment allowing for the withdrawal of the employer or, with the authorization of and subject to the conditions determined by the Régie, at the date of the next full actuarial valuation of the plan.

If, within the time prescribed in the second paragraph, the pension committee sends a notice to the Régie certifying that the employer has paid all unpaid contributions in full and, where Chapter X applies to the pension plan, a declaration of an actuary attesting that the plan is solvent at the effective date of the amendment, the pension committee is dispensed from filing the report provided for in the second paragraph.

"203. The Régie may not authorize the amendment of a multi-employer pension plan to allow for the withdrawal of an employer, unless

(1) the report or, as the case may be, the notice and declaration sent to the Régie pursuant to section 202 are in conformity with this Act; and

(2) the pension committee attests that the contributions referred to in the first paragraph of section 202 have been paid into the pension fund or to the insurer or will not likely be recovered, despite the pension committee's demands, by reason of the bankruptcy or insolvency of the employer.

"§ 2. — *Termination of pension plan*

"204. Except if termination is precluded by agreement or the pension plan is a plan rendered compulsory by an order or decree which does not authorize termination, an employer — or, in the case of a multi-employer pension plan, even not considered as such under section 11, the employers jointly, — may terminate the plan by means of a written notice of termination to the members and beneficiaries affected, to every certified association representing members, to the pension committee and, where applicable, to the insurer.

The notice shall indicate the date of termination and the names of the members and beneficiaries affected. The date of termination may in no case be subsequent to the day preceding the day on which the benefits of the last member or beneficiary under the plan have been paid in full. Moreover, unless every member whose active membership in the plan is to cease upon or after the termination of the plan consents thereto in writing, the date of termination may not precede the date on which member contributions cease to be collected or the date occurring 30 days before the date on which the notice of termination is given to the active members.

"205. The Régie may terminate a pension plan

(1) if, without having transmitted a notice of termination, the employer — or, in the case of a multi-employer pension plan, even not considered as such under section 11, every employer — fails to collect member contributions or to pay employer contributions or the member contributions collected into the pension fund or to the insurer;

(2) where the pension committee, a person or body to whom powers have been delegated or any party to the plan fails to comply with an order issued by the Régie under this Act; or

(3) where the plan has no more active members.

Before terminating the plan, the Régie must allow the pension committee at least ten days to present observations.

"206. A decision of the Régie terminating a pension plan shall indicate the date of termination and the names of the members and beneficiaries affected.

The decision shall be communicated to the pension committee, which shall forthwith transmit it to every member and beneficiary affected, to every certified association representing members affected, to the employer and, where applicable, to the insurer.

"207. In addition to the members and beneficiaries whose benefits under the plan have not been paid in full before the date of termination, the members referred to in the second paragraph of section 211 are persons affected by the termination of a pension plan.

"207.1. Within 15 days after receipt of a notice of termination from the employer or a decision of the Régie terminating the pension plan, the pension committee shall transmit to the Régie, to the employer and to every certified association representing members a declaration of termination containing the information prescribed by regulation, together with the attestations and documents prescribed by regulation.

"207.2. Within 90 days after receipt of a notice of termination or a decision terminating the pension plan, the pension committee shall transmit to the Régie a termination report establishing the benefits accrued to each member and beneficiary affected and the value thereof, and containing the information prescribed by regulation. The report must be prepared by an actuary; in the case of a plan referred to in paragraph 2 of section 116, the report can be prepared by the pension committee. The Régie shall forthwith send an acknowledgment of receipt to the pension committee, indicating the date on which it received the report.

The pension committee shall also provide a copy of the report to the employer and to every certified association representing members, informing them that they may present written observations to the committee within the time limit set out in the first paragraph. The committee must send the report in a timely manner so as to allow the employer and the certified associations at least ten days to present observations.

Where applicable, the copy of the report sent to the employer must be accompanied with a notice, a copy of which must be sent to the Régie, indicating

(1) that any amount due by the employer according to the report must be paid into the pension fund or to the insurer, as the case may be; and

(2) if the employer intends to make an agreement with the other interested parties as to the allocation of the surplus assets determined in the termination report, the date before which the declaration, the agreement or the draft agreement, as the case may be, provided for in sections 230.1 and 230.2 must be transmitted by the employer to the Régie and to the pension committee.

The date referred to in subparagraph 2 is the date occurring 150 days after the date on which the pension committee receives the notice of termination or the decision of the Régie terminating the pension plan.

"207.3. The pension committee shall transmit to each member and beneficiary affected a copy of the termination declaration, a statement of benefits and of the value thereof, together with the following information:

(1) the various methods for full payment of benefits, including, where applicable, an indication of the pension fund to which benefits could be transferred, and the other options available to the member or beneficiary;

(2) the procedure for choosing a method, including, where applicable, that applicable to a share of the surplus assets;

(3) the indication that the termination report and the data used to establish the benefits and the value thereof can be consulted, free of charge, either at the office of the pension committee or at the employer's establishment designated by the committee, whichever is closer to the applicant's residence;

(4) the indication that the member or beneficiary must make choices and exercise options among those referred to in subparagraphs 1 and 2 before the expiry of the time limit set out in the first paragraph of section 207.2 and may present written observations to the pension committee; and

(5) any other information determined by regulation.

The committee must transmit the statements in a timely manner so as to allow the members and beneficiaries at least ten days to make choices, exercise options and present observations to the pension committee pursuant to subparagraph 4 of the first paragraph.

"207.4. Unless all members and beneficiaries who may have rights under the pension plan or under this Act have been personally advised, the pension committee shall publish in a daily newspaper circulated in the region in Québec where the greatest number of active members reside at the date of termination a notice inviting all persons who, though they did not receive the statement provided for in section 207.3, believe they have rights under the plan or under this Act to present their claim to the pension committee before the expiry of the time limit set out in the first paragraph of section 207.2.

The committee must make sure that the notice is published in a timely manner so as to allow interested persons at least ten days to present their claim

pursuant to the first paragraph. In the case of a multi-employer pension plan, even not considered as such under section 11, the notice must be published with respect to each employer that is a party to the plan in the region in Québec where the greatest number of members in the employ of the employer reside at the date of termination.

"207.5. Each time the provisions of subdivision 4.1 of Division II of Chapter XIII are applied to determine to whom surplus assets are to be allocated, the pension committee shall, within 30 days after the date of receipt of a declaration or an agreement provided for in subparagraphs *a* and *b* of paragraph 2 of section 230.1, respectively, or of an arbitration decision under section 243.15, the date from which the employer is in default for failure to transmit a draft agreement in accordance with section 230.2 or the date of an agreement made pursuant to section 230.6, as the case may be, submit to the Régie a supplement to the termination report setting out how the surplus is to be distributed and the share, if any, to be allocated to each of the members and beneficiaries. The supplement must be prepared by an actuary; in the case of a plan referred to in paragraph 2 of section 116 or where no surplus assets are to be allocated to the members and beneficiaries, the report can be prepared by the pension committee.

"207.6. A pension plan may not be amended after the date of termination, except to allow any increase in pension benefits resulting from an act to which the allocation of surplus assets is subject, in particular an agreement or an arbitration award referred to in section 230.1.

This section shall not operate to prevent the Régie from registering an amendment to the plan made before the date of termination after that date."

115. The heading of Division II of Chapter XIII of the said Act is replaced by the following heading:

"WINDING-UP".

116. Subdivision 1 of Division II of Chapter XIII of the said Act is replaced by the following subdivision:

"§ 1. — *Interpretation and scope*

"208. In this division, the term "date of termination", where used in relation to a multi-employer pension plan that is amended to allow for the withdrawal of an employer, means the date at which the value of the benefits accrued to the members and beneficiaries affected is determined.

"209. Sections 216 and 218 do not apply to the payment in full of the benefits of members or beneficiaries affected by the withdrawal of an employer from a multi-employer pension plan or by the termination of a pension plan where the value of the plan assets is equal to or greater than the value of its liabilities, both values being established in accordance with this chapter at the

date of termination. If the plan assets nevertheless do not permit payment in full of the benefits of the members and beneficiaries affected, the payment shall be proportional to the value of their accrued benefits."

117. The said Act is amended by inserting the following section after the heading of subdivision 2 of Division II of Chapter XIII:

"209.1. Within 30 days after the Régie authorizes an amendment allowing for the withdrawal of an employer from a multi-employer pension plan, the pension committee shall pay in full the benefits of each member and beneficiary affected who has applied therefor, in accordance with the terms of the report transmitted pursuant to the second paragraph of section 202, if any."

118. Section 210 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs:

"210. No earlier than 30 and no later than 60 days after the date on which the termination report is received by the Régie, unless additional time is granted by the Régie, the pension committee shall pay in full the benefits of each member and beneficiary affected in accordance with the termination report and this Act.

However, the committee may not proceed under the first paragraph if, within 30 days after receipt of the termination report, the Régie orders the pension committee to postpone the operation for the period determined by the Régie or if the Régie orders pursuant to section 240.4 that an irregularity found in the report be remedied within a specified time. In the latter case, the pension committee shall submit a revised termination report to the Régie, which shall acknowledge receipt thereof. The committee shall proceed to make full payment within 30 days after the expiry of the postponement period or within 30 days after the date on which the Régie receives the revised report.

Notwithstanding the first paragraph, the payment in full of the benefits of a member or beneficiary in accordance with the termination report may be deferred to the date of the satisfaction of the entitlement to surplus assets where the member so requests or where, given the method chosen by the member or beneficiary, the Taxation Act prescribes that all benefits under the plan be paid in a lump sum. Moreover, where the Régie permits the employer to spread the payment of an amount due by the employer over a period of time pursuant to section 229, the Régie may determine terms and conditions whereby benefits may be paid in full when payment by the employer is completed.";

(2) by replacing "The pension committee or the insurer" in the first line of the second paragraph by "The pension committee";

(3) by inserting "an early retirement benefit provided for in section 69.1, in whole or in part and subject to the conditions it fixes, as well as" after "pay" in the third line of the second paragraph.

119. The said Act is amended by inserting the following section after section 210:

"210.1. No earlier than 10 and no later than 30 days after the expiry of the 30-day time limit set out in section 207.5, unless additional time is granted by the Régie, the pension committee shall satisfy the rights of the employer and the members and the beneficiaries affected, in accordance with the supplement to the termination report and this Act.

The share of the surplus assets to which a member or beneficiary is entitled may be paid in a lump sum or, to the extent permitted by the Taxation Act, be transferred as provided for in section 98, which applies with the necessary modifications, or be used for the purchase of an annuity or another benefit, according to the option specified by the member or beneficiary to the pension committee.

No portion of the assets of the pension plan may be paid to the employer except pursuant to the first paragraph."

120. Section 211 of the said Act is amended

(1) by replacing "Every member affected by partial termination of a pension plan and every member affected by the total termination of a plan" in the first and second lines of the first paragraph by "Every member affected by the termination of a pension plan";

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

"Where the termination of the plan is brought about by the division, merger, alienation or closing down of an enterprise or part of an enterprise, the same applies to every member whose active membership in the plan ceased during the period extending from the date the members were informed of the event and the date of termination.";

(3) by striking out "various factors, such as" in the second line of the third paragraph;

(4) by replacing "a date not prior to the date of termination" in the fourth line of the third paragraph by "the date of termination, unless the plan provides expressly that it must be taken into account beyond the date of termination";

(5) by striking out the fourth paragraph.

121. Section 212 of the said Act is replaced by the following section:

"212. The value of the benefits accrued to the members and beneficiaries affected by the withdrawal of an employer from a multi-employer pension plan or by the termination of a pension plan shall be determined at either of the following dates, on the basis of the assumptions referred to in section 61 that were used at that date to determine the value of the pension benefits to which section 60 applies that were vested at that date:

(1) the date the member ceased to be an active member, if the benefits whose value is being determined are those accrued to

(*a*) a member whose active membership ended before the withdrawal or termination and who, at the date of termination, had already opted, within the time limit set out in subparagraph 1 of the second paragraph of section 99, for the satisfaction of his or her rights under the plan or still had time to exercise such an option, or a beneficiary whose rights under the plan derive from the service credited to such a member; or

(*b*) a member to whom the second paragraph of section 211 applies; or

(2) the date of termination, if the benefits whose value is being determined are those accrued to any other member or beneficiary affected by the withdrawal or termination.

The benefits accrued to the members and beneficiaries referred to in subparagraph 1 of the first paragraph shall bear interest, from the date their value is determined to the date of termination, at the rate used for the purposes of the determination.

The first paragraph does not apply to a pension that must be insured pursuant to section 237 or to a pension referred to in paragraph 3 of section 200."

122. The said Act is amended by inserting the following section after section 212:

"212.1. The value of the assets of a terminated pension plan at the date of termination shall be established according to their liquidation value or an estimate thereof, reduced by the estimated amount of the costs to be paid out of the pension fund upon termination.

The liabilities of a terminated pension plan at the date of termination shall comprise, in addition to the value of the benefits determined under section 212, the value of any pension that must be insured pursuant to section 237, such value being determined

(1) in cases where the pension was insured before the date of termination, on the basis of the assumptions referred to in section 61 that were used at that date;

(2) in cases where the pension was insured after the date of termination but before the preparation of the termination report, by discounting at the date of termination the premium paid to the insurer, according to the estimated rate of return of the pension fund from the date of termination to the date on which the pension was insured; and

(3) in all other cases, by discounting at the date of termination according to the estimated rate of return of the pension fund, for the period extending from the date of termination to the date of the termination report, the premium that would have been paid to an insurer at the date of the termination report, increased by a margin that allows for any variation in the cost of purchasing the pension between the latter date and the probable date of purchase.

In the cases referred to in subparagraphs 2 and 3 of the second paragraph, the liabilities shall also comprise the value of the pension payments to be made to a member by the pension fund between the date of termination and the date the pension begins to be paid by an insurer, such value being determined according to the rate referred to in the relevant subparagraph."

123. Sections 214 and 215 of the said Act are repealed.

124. Section 216 of the said Act is amended

(1) by striking out ", other than a benefit referred to in section 215," in the first line of the first paragraph;

(2) by replacing "of cessation of contribution payments is less than one year or if the effective date of the amendment is subsequent to the date of cessation of contribution payments" in the second, third and fourth lines of subparagraph 1 of the first paragraph by "of termination is less than one year";

(3) by striking out the second and third paragraphs.

125. Section 217 of the said Act is amended

(1) by replacing "the total or partial termination of " in the third line by "the withdrawal of an employer from a multi-employer pension plan or the termination of ";

(2) by replacing "either at the rate used to determine the value of his benefits or, where that value has been determined on the basis of an insurance proposal, at the monthly rate of return on personal five-year term deposits with chartered banks, as compiled by the Bank of Canada" in the fourth, fifth, sixth, seventh and eighth lines by "at the rate used to determine the value of the person's accrued benefits".

126. Section 218 of the said Act is replaced by the following section:

"218. Where an employer withdraws from a multi-employer pension plan or a pension plan is terminated, the amounts to which the members and beneficiaries affected are entitled shall be paid out in the following order:

(1) concurrently, amounts representing

(*a*) the value of benefits accrued under the plan, other than those referred to in subparagraph 4, up to the date of termination;

(*b*) the value of additional voluntary contributions paid into the pension fund or to the insurer, as the case may be, up to the date of termination, with interest accrued to that date; and

(*c*) the value of amounts received by the pension plan following a transfer, even a transfer other than a transfer under Chapter VII, with interest accrued to the date of termination;

(2) the amount representing the value of any benefit reduction pursuant to section 216;

(3) the interest on the amounts referred to in subparagraphs 1 and 2, calculated in accordance with section 217;

(4) the value of benefits payable to members, at the date of termination, under pension plan terms granting them compensation for cessation of their continuous employment due to technological or economic changes in the employer's enterprise or to the division, merger, alienation or closing down of the enterprise, with interest calculated in accordance with section 217.

If the assets are insufficient for the full satisfaction of the rights of the members and beneficiaries affected that are collocated in the same rank, payment shall be made proportionately to the value of their accrued benefits."

127. Section 220 of the said Act is amended

(1) by replacing "The assets of any pension plan that is partially terminated or of a multi-employer pension plan that is totally terminated shall be" in the first and second lines of the first paragraph by "Where an employer withdraws from a multi-employer pension plan or a multi-employer pension plan is terminated, the assets of the plan shall be";

(2) by replacing "a multi-employer pension plan that is terminated in whole or in part" in the first and second lines of the second paragraph by "the plan".

128. Section 221 of the said Act is amended

(1) by replacing "the partial termination of the pension plan" in the first and second lines by "the withdrawal of an employer from a multi-employer pension plan";

(2) by replacing “cette” in the second line of the French text by “la”.

129. Section 222 of the said Act is amended

(1) by replacing “In the event of partial termination of a pension plan” in the first line of the first paragraph by “Where an employer withdraws from a multi-employer pension plan”;

(2) by replacing “the termination” in the fourth line of the first paragraph by “the withdrawal”;

(3) by replacing “Where more than one employer is involved in the partial termination of a multi-employer pension plan” in the first and second lines of the second paragraph by “Where two or more employers withdraw simultaneously from a multi-employer pension plan”;

(4) by replacing “the termination” in the third line of the second paragraph by “the withdrawal”.

130. Section 224 of the said Act is amended

(1) by striking out “that is totally or partially terminated” in the second and third lines of the first paragraph;

(2) by inserting “, upon the withdrawal of one of the employers or upon the termination of the plan,” after “shall” in the third line of the first paragraph.

131. Sections 225 and 226 of the said Act are replaced by the following sections:

“225. Upon the withdrawal of an employer from a multi-employer pension plan or upon the termination of a multi-employer pension plan, the remainder of the benefits accrued to the members and beneficiaries affected by the previous withdrawal of an employer shall form a separate group of benefits.

“226. Upon the termination of a pension plan, if a surplus remains after distribution of the assets, the surplus shall be distributed between the groups of benefits formed under this subdivision in such a manner that the total assets are distributed among all groups proportionately to the value of the obligations arising from the plan from which the benefits in each group derive.”

132. Section 227 of the said Act is amended by striking out “total or partial” in the first line.

133. Section 228 of the said Act is amended

(1) by replacing “the total termination of a pension plan or partial termination of a multi-employer pension plan due to the withdrawal of an employer that

was a party to the plan shall constitute a debt of the employer" in the second, third and fourth lines of the first paragraph by "the withdrawal of an employer from a multi-employer pension plan or the termination of a pension plan shall constitute a debt of the employer. The amount to be funded shall be established at the date of termination.";

(2) by striking out the second paragraph;

(3) by replacing "the termination" in the third and fourth lines of the fourth paragraph by "the withdrawal or termination".

134. Section 229 of the said Act is amended by replacing "at the monthly rate of return on personal five-year term deposits with chartered banks, as compiled by the Bank of Canada" in the second and third lines of the second paragraph by "at the rate determined pursuant to section 61 that was applicable at the date of termination".

135. Section 230 of the said Act is amended by inserting ", including any amount recovered after the date of termination, particularly in respect of contributions outstanding and unpaid at the date of termination," after "subdivision" in the first line.

136. The said Act is amended by inserting the following section after the heading of subdivision 4.1 of Division II of Chapter XIII:

"230.0.1. The surplus assets of a terminated pension plan shall be equal to the amount by which the value of its assets as determined in accordance with section 212.1 exceeds the value of its liabilities as determined in accordance with that section.

In the case of a multi-employer pension plan, even not considered as such under section 11, or of a multi-employer pension plan that has already been amended to allow for the withdrawal of an employer, the surplus assets must be determined in respect of each employer as provided in subdivision 3."

137. Section 230.1 of the said Act is amended

(1) by striking out "totally" in the second line and "total" in the third line of subparagraph *a* of paragraph 2;

(2) by inserting "and to the Régie" after "pension committee" in the fifth line of subparagraph *a* of paragraph 2;

(3) by adding the following sentence at the end of subparagraph *b* of paragraph 2: "The parties shall send a copy of the agreement to the pension committee and to the Régie.";

(4) by adding the following paragraphs at the end:

"However, where members or beneficiaries who have been previously affected by the withdrawal of an employer are affected by the termination, the share of the surplus assets allocated to the group formed of such members and beneficiaries pursuant to subdivision 3 shall be allocated by operation of law to the members and beneficiaries who are part of that group and distributed among them proportionately to the value of their accrued benefits.

Moreover, the first paragraph does not apply if the employer transmits to the pension committee and to the Régie, before the date indicated in the notice sent by the pension committee pursuant to section 207.2, a declaration certifying that the employer consents to all surplus assets being allocated to the members and beneficiaries and distributed proportionately to the value of their accrued benefits. The declaration has the same value and effect as an agreement concluded pursuant to section 230.6."

138. The said Act is amended by inserting the following section after section 230.1:

"230.1.1. Where the value of the assets of a pension plan at the date of termination does not exceed the value of its liabilities at that date, any surplus assets that develop after that date shall, notwithstanding section 230.1, be allocated by operation of law to the members and beneficiaries and distributed among them proportionately to the value of their accrued benefits."

139. Section 230.2 of the said Act is amended

(1) by replacing "within six months after transmission to the pension committee of the decision of the Régie which fixes the date of termination of the plan, send to the pension committee a draft agreement indicating" in the second, third, fourth and fifth lines of the first paragraph by "before the date indicated in the notice sent to the employer by the pension committee pursuant to section 207.2, send to the pension committee and to the Régie a draft agreement only containing the following particulars:";

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

"Each employer that is a party to a multi-employer pension plan, even not considered as such under section 11, must fulfil the obligation set out in the first paragraph as regards the surplus assets determined in respect of the employer and in respect of the members and beneficiaries whose benefits are included in the group of benefits relating to the employer. However, two or more employers that are parties to the same pension plan may agree to send a joint draft agreement to the pension committee."

140. Section 230.3 of the said Act is replaced by the following section:

"230.3. If the employer fails to send a draft agreement to the pension committee and to the Régie in accordance with section 230.2, the employer is deemed to have waived entitlement to surplus assets. The surplus assets hence

accrue to the members and beneficiaries and shall be distributed among them proportionately to the value of their accrued benefits.

This section does not apply if the members and beneficiaries agreed to arbitration before the date referred to in the first paragraph of section 230.2 or if the pension plan was established pursuant to a collective agreement, an arbitration award in lieu thereof or an order or decree which rendered such an agreement compulsory."

141. Section 230.4 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"230.4. Within 15 days after receiving the draft agreement, the pension committee shall send a copy to every member and beneficiary affected, together with a copy of the provisions of the pension plan pertaining to the allocation of surplus assets in the event of termination and a notice only containing the information prescribed by regulation and informing them that they may inform the pension committee in writing of their opposition to the draft agreement within 60 days after receiving the notice or after the publication of the notice provided for in the second paragraph, whichever occurs later.";

(2) by replacing the first sentence of the second paragraph by the following sentence: "Unless all members and beneficiaries who may have rights under the pension plan or under this Act have been personally advised, the pension committee shall also, within the time limit set out in the first paragraph, publish in a daily newspaper circulated in the region in Québec where the greatest number of active members at the date of termination reside a notice of the termination of the pension plan, indicating that there are surplus assets and that a draft agreement has been submitted by the employer regarding the distribution of the surplus assets.";

(3) by replacing "begins to run only from" in the second line of the third paragraph by "expires 60 days after";

(4) by replacing "203" in the third line of the third paragraph by "207.3";

(5) by striking out "the draft agreement," in the second line of the fourth paragraph.

142. Section 230.5 of the said Act is repealed.

143. Section 230.7 of the said Act is amended

(1) by inserting ", being a party to a pension plan established pursuant to a collective agreement, an arbitration award in lieu thereof or an order or decree rendering such an agreement compulsory," after "the employer" in the seventh line of the first paragraph;

(2) by replacing “first paragraph of section 230.5” in the ninth line of the first paragraph by “second paragraph of section 240.4”;

(3) by replacing “at least six months have elapsed since the decision of the Régie fixing the date of termination of the plan was transmitted to the pension committee” in the tenth and eleventh lines of the first paragraph by “the date indicated in the notice sent to the employer by the pension committee pursuant to section 207.2 has been reached”;

(4) by striking out the eighteenth and nineteenth lines of the first paragraph;

(5) by replacing “230.5” in the twenty-first line of the first paragraph by “ 230.4 or in section 240.4”;

(6) by inserting the following paragraph after the first paragraph:

“As soon as the pension committee becomes aware of one of the situations authorizing the employer, the certified association and, where applicable, a member or beneficiary to have recourse to arbitration, it shall advise each such party. If no party applies for arbitration within 60 days after the occurrence of the situation, the pension committee shall prepare an application requesting an arbitrator to determine the allocation and, where applicable, the distribution of the surplus assets and to proceed in accordance with section 243.7; moreover, in that case, the employer is deemed to have waived entitlement to any portion of surplus assets whose allocation has not been determined by an agreement or a declaration made under section 230.1.”;

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

“The interested parties referred to in the first paragraph or the pension committee may have recourse to arbitration in order to obtain a determination on any difficulty in interpreting or implementing an agreement or a declaration made under in section 230.1.”;

(8) by inserting “ or declaration” after “agreement” in the third line of the third paragraph;

(9) by inserting “or declaration” after “agreement” in the fifth, seventh and ninth lines of the third paragraph.

144. Sections 231 to 235 of the said Act are repealed.

145. Section 236 of the said Act is replaced by the following section:

“236. The right to benefits, other than a pension referred to in section 237, accrued under a pension plan to a member affected by the termination of the plan, shall be satisfied by means of a transfer under section 98, which applies with the necessary modifications. However, if a member whose pension was not in payment at the date of termination dies before the transfer is effected,

the member's rights, except any entitlement to surplus assets, shall instead be satisfied by the payment of a lump sum benefit to the member's spouse or, if there is no spouse, to the member's successors.

For the purposes of this section, a member's spouse is the person who meets the requirements set out in section 85."

146. Section 237 of the said Act is amended

(1) by inserting ", according to the conditions prescribed by regulation" after "insurer" in the third line of the first paragraph;

(2) by striking out "total" in the first line of the first paragraph;

(3) by inserting ", subject to the exceptions prescribed by regulation," after "shall" in the first line of the second paragraph;

(4) by adding the following paragraph after the second paragraph:

"However, the requirement whereby the pension must be insured does not apply if no pension of the type paid to the member under the pension plan is available on the market. In such a case, the residual value of the pension shall be transferred pursuant to section 98, which shall apply with the necessary modifications."

147. Section 238 of the said Act, amended by section 76 of chapter 80 of the statutes of 1997, is again amended by replacing "total termination of the pension plan that is not claimed within three years following the notice under section 203 or 240.1, as the case may be, shall" in the first paragraph by "termination of the pension plan that is not claimed within three years after the expiry of the time limit provided in the first paragraph of section 207.2, shall".

148. Section 239 of the said Act is amended

(1) by replacing "in whole or in part" in the second and third lines by "or, in the case of a multi-employer pension plan, where an employer withdraws,";

(2) by inserting "withdrawal or" before "termination" in the fifth line.

149. Section 240 of the said Act is amended by replacing the first paragraph by the following paragraph:

"240. If, in the case referred to in section 239, the value of the insured benefits accrued to the members or beneficiaries affected by a withdrawal from or the termination of a pension plan which the insurer would have to assume were it not for the withdrawal or termination exceeds the value of such benefits as established pursuant to this chapter, the insurer, at the request of the pension committee, must reduce its obligations towards those members and beneficiaries accordingly and insure the uninsured benefits of the members or beneficiaries, up to the amount of the excess."

150. Section 240.1 of the said Act is repealed.

151. Section 240.2 of the said Act is amended

(1) by replacing "affected by the partial termination of a pension plan whose benefits were paid in full on that occasion or subsequently" in the first and second lines of the first paragraph by "whose active membership ended three years or less before the date of termination of the plan and whose rights were satisfied before that date";

(2) by striking out the second paragraph;

(3) by replacing "second" in the first line of the third paragraph by "first";

(4) by adding ", unless all members and beneficiaries who may have rights under the pension plan or under this Act have been personally advised" at the end of the first sentence of the third paragraph;

(5) by replacing "newspaper" in the sixth line of the third paragraph by "daily newspaper";

(6) by striking out the fourth paragraph.

152. Section 240.3 of the said Act is replaced by the following section:

"240.3. The Régie may, where it considers it in the best interests of the members and beneficiaries, exempt a terminated pension plan from the application of any provision of this chapter, subject to the specified conditions."

153. The said Act is amended by inserting the following section after section 240.3:

"240.4. If the content, transmission or publication of a document provided for in this chapter is not in conformity with the prescriptions of this Act or the regulations, the Régie may order the application, within the time and on the conditions it fixes, of any remedial measure it indicates. The order extends the time allotted by this chapter for responding to the document until the date fixed by the Régie or, if no date is fixed, until such time as the Régie has certified to the person or body having received the order that the order has been complied with.

If an order relating to the content of the draft agreement provided for in section 230.2 is not complied with within the time fixed in the order, the Régie shall invalidate the draft agreement unless it is satisfied that it was impossible for the employer to act sooner or that the employer was unable to correct the irregularity for a reason beyond the employer's control or is of the opinion that an extension is likely to serve the interests of all parties to the plan, in which cases the Régie may grant a 30-day extension."

154. Section 243.3 of the said Act is amended

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

"(2) to one arbitrator or, if all members of the pension committee having the right to vote who are present at the meeting referred to in the second paragraph of section 243.7 agree thereto, to three arbitrators, where the value involved exceeds $100,000 without exceeding $1,000,000 or where the purpose of the arbitration is to obtain a determination on a difficulty in interpreting or implementing an agreement or a declaration;";

(2) by striking out paragraph 3;

(3) by replacing "the representatives mentioned above" in the first and second lines of paragraph 4 by "all the members of the pension committee having the right to vote who are present at the meeting referred to in the second paragraph of section 243.7".

155. Section 243.6 of the said Act is repealed.

156. Section 243.7 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"243.7. Upon receiving an application for arbitration, the pension committee shall select, from among the arbitration bodies accredited by the Government, the body that will be responsible for organizing the arbitration.";

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

"The pension committee shall also designate the arbitrator or arbitrators and inform the arbitration body. The designation shall be made upon a unanimous decision of the members of the committee present at a meeting convened for such purpose, which meeting cannot be held unless at least one member designated under paragraph 1 or 2 of section 147 is present. If the pension committee members cannot agree on the designation of the arbitrator or arbitrators, it shall be the duty of the arbitration body to complete the designations from among the arbitrators whose names appear on the list drawn up pursuant to section 243.17. The same applies if the pension plan is not administered by a pension committee that meets the requirements of section 147 or if the Régie has placed the pension plan under provisional administration."

157. Section 243.8 of the said Act is amended by striking out ", together with the accompanying documents or information," in the first and second lines of the second paragraph.

158. Section 243.14 of the said Act is amended by adding the following paragraph after the third paragraph:

"Unless the arbitration decision rules only on a difficulty in interpreting or implementing an agreement or a declaration, the arbitration decision must specify, in particular,

(1) who is entitled to the surplus assets as determined at the date of termination of the plan, whether the employer alone, the members and beneficiaries alone or both the employer and the members and beneficiaries and, in the latter case, the amount to be allocated to the members and beneficiaries as well as the method for adjusting that amount in the event of a variation in the surplus assets between the date of termination and the date of implementation of the decision; and

(2) insofar as some or all of the surplus assets are allocated to members and beneficiaries,

(*a*) the identity of each such member or beneficiary and, in the event that other names are added to the names appearing in the termination report, the method for determining the value of their accrued benefits; and

(*b*) the distribution method to be used to determine the share of each member or beneficiary."

159. Section 243.15 of the said Act is amended

(1) by inserting "to the Régie and" after "sent" in the first line of the third paragraph;

(2) by replacing "qui" in the second line of the third paragraph of the French text by "lequel";

(3) by adding the following paragraphs after the third paragraph:

"Unless an application under article 945.6 of the Code of Civil Procedure has been submitted to the arbitrators for the same purpose, the pension committee or the Régie may, within 60 days after receiving a copy of the arbitration decision, apply to the arbitrators for

(1) the correction of a clerical error in the decision;

(2) the interpretation of a specific part of the decision; or

(3) a supplementary decision on a part of the application omitted in the decision.

An interpretation forms an integral part of the decision."

160. Section 243.16 of the said Act is amended by striking out ", the committee formed pursuant to section 243.17" in the third and fourth lines of the first paragraph.

161. Section 243.17 of the said Act is replaced by the following section:

"243.17. After consultation with the Régie and the most representative employees' associations, retirees' associations and employers' associations, the Minister shall draw up a list of names from which arbitrators may be designated by an arbitration body."

162. Section 244 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(3.0.1) determine, for the purposes of section 60.1, the rules applicable to the determination of an additional pension benefit;";

(2) by striking out "or 100" in the first line of subparagraph 6 of the first paragraph;

(3) by inserting ", 109" after "108" in the first line of subparagraph 7 of the first paragraph;

(4) by inserting ", a seizure for non-payment of support" after "benefits" in the fourth line of subparagraph 7 of the first paragraph;

(5) by replacing "in the event of a partial termination of the plan or in the event of the total termination of a multi-employer pension plan" in the third, fourth and fifth lines of subparagraph 12 of the first paragraph by "in particular upon the withdrawal of an employer from or the termination of a multi-employer plan, for the purpose of determining the value of the benefits of members and beneficiaries in particular for the purposes of Chapters XIII and XIV.1";

(6) by inserting the following subparagraph after subparagraph 12 of the first paragraph:

"(12.0.1) determine the conditions to be met by a pension insured pursuant to paragraph 3 of section 200 or section 237;".

163. Section 246 of the said Act is amended by replacing "a report respecting its termination or an actuarial valuation is in conformity with this Act" in the third and fourth lines of paragraph 6 by "an actuarial valuation or a document required under this Act or required by the Régie is in conformity with this Act or with the requirements of the Régie".

164. Section 248 of the said Act is amended

(1) by replacing "or methods used" in the first line of paragraph 2 by ", methods or scenarios used";

(2) by striking out the third line of paragraph 2;

(3) by replacing "the termination report" in the fifth line of paragraph 2 by "a report";

(4) by replacing "or methods used are inappropriate" in the first line of paragraph 3 by ", methods or scenarios used are inappropriate";

(5) by adding the following after paragraph 4:

"(5) the pension plan or its administration is not in compliance with this Act, for instance by reason of the fact that the plan is not being wound up in accordance with the provisions of Chapter XIII or Chapter XIV.1; or

"(6) the content of a document provided for in this Act or required by the Régie is not in compliance with the requirements of this Act or of the Régie.

In addition, if the Régie considers it necessary in the best interests of the members and beneficiaries, it may order any person who has custody, possession or control of funds, securities or other assets of a pension plan not to dispose of them without the authorization of the Régie or otherwise than in accordance with the conditions it fixes."

165. Section 249 of the said Act is amended

(1) by adding "or any other Act applicable, in whole or in part, to pension plans" at the end of the first paragraph;

(2) by adding the following paragraph at the end:

" For the purposes of such an agreement, the Régie may act as the mandatary of the department or agency with which the agreement has been made."

166. Section 250 of the said Act is amended by replacing the first paragraph by the following paragraph:

"250. The Régie may delegate any of its powers under this Act to a member of its board of directors, to a member of its personnel or to a committee formed of board members or personnel members. The Régie may also, in the act of delegation, authorize the subdelegation of the powers enumerated therein. In that case, it shall identify the member of its board of directors or the member of its personnel to whom powers may be subdelegated. The act of delegation shall be published in the *Gazette officielle du Québec*."

167. Section 252 of the said Act is amended

(1) by replacing "newspaper" in the first line of subparagraph 2 of the first paragraph by "daily newspaper";

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) sent to the members of the pension committee who are either plan members or persons designated by the plan members and beneficiaries and to every certified association representing plan members."

168. The said Act is amended by inserting the following section after section 256:

"256.1. The Régie may intervene before the Administrative Tribunal of Québec in any proceeding relating to this Act at any time until the end of the hearing.

If it wishes to intervene, the Régie shall send a notice to each of the parties and to the Tribunal; the Régie is thereupon considered to be a party to the proceeding."

169. Section 257 of the said Act is amended

(1) by replacing paragraphs 1 and 1.1 by the following paragraphs:

"(1) contravenes any provision of the first paragraph of section 14 or 16, sections 17, 25, 26, 39, 41 to 43, 51, 58, 119, 140, 158, 159, 161, 166, 168, 169, 171.1 to 176, 179 and 210, subparagraph 1 of the first paragraph of section 252 and section 307;

"(1.1) permits the allocation of all or part of the surplus assets determined upon termination of a pension plan otherwise than as provided in subdivision 4.1 of Division II of Chapter XIII;";

(2) by replacing "230.5" in the first line of paragraph 3 by "240.4".

170. Section 258 of the said Act is amended by replacing paragraph 1 by the following paragraph:

"(1) contravenes any provision of sections 111 to 114, 135, 142 to 144, 165.1, 182, 200, 202, 207.1 to 207.5, 209.1, 230.4, 230.6, 243.8, the second paragraph of section 310.1 and sections 313 and 314;".

171. Section 264 of the said Act is amended

(1) by striking out "member or employer" in the first line of subparagraph 1 of the first paragraph;

(2) by striking out "and derived from member or employer contributions" in the first and second lines of subparagraph 2 of the first paragraph;

(3) by inserting "or represent a portion of the surplus assets allocated after termination of the plan" after "voluntary contributions" in the first line of the second paragraph.

172. Section 283 of the said Act is replaced by the following section:

"283. This Act replaces the Act respecting supplemental pension plans (chapter R-17)."

173. Section 286.1 of the said Act is amended by adding the following paragraph at the end:

"Likewise, applications for review before the Régie and contestations before the Administrative Tribunal of Québec pending on 31 December 2000 or introduced after that date but relating to decisions rendered before that date shall be decided according to the provisions of this Act as they read before that date."

174. The said Act is amended by inserting the following sections after section 288:

"288.0.1. The orders made by the Government under section 2 as it read before 5 December 2000 are deemed to be regulations.

"288.0.2. Section 2.1 only applies to a pension plan registered before 5 December 2000 if

(1) the pension committee has made a written application to that effect to the Régie;

(2) the pension plan has been amended, if necessary, to satisfy the requirements set out in the first paragraph of section 2.1;

(3) all members and beneficiaries at the date of the application under subparagraph 1 have been notified in writing that their pension plan would no longer be subject to this Act and have consented thereto;

(4) the fees prescribed by regulation have been fully paid to the Régie in respect of the last complete fiscal year of the plan; and

(5) the Régie has revoked the registration of the plan, after making sure that all the conditions of this section were fulfilled.

Section 2.1 only applies to a pension plan registered after 4 December 2000 that does not satisfy the requirements set out in that section at the date of its registration if the requirements set out in the first paragraph of this section are satisfied after the benefits that were transferred into the pension plan are transferred into another plan in accordance with section 98."

175. Section 288.2 of the said Act is repealed.

176. Section 289 of the said Act is amended by adding "or 45" at the end.

177. The said Act is amended by inserting the following section after section 289:

"289.0.1. Where, before 1 January 2001, an uninsured pension plan other than a defined contribution plan provided that interest would be credited to member contributions or additional voluntary contributions at the monthly rate of return on personal five-year term deposits with chartered banks, as compiled by the Bank of Canada, such contributions, with interest accrued, shall bear interest, from that date and notwithstanding section 20, at the rate of return obtained on the investment of the plan assets, less investment expenses and administration costs.

The first paragraph applies to the contributions referred to therein to the extent that they relate to uninsured benefits or refunds."

178. The said Act is amended by inserting the following section after section 289.1:

"289.2. Paragraph 4 of section 59 does not apply to a member whose pension was in payment before 1 January 2001."

179. The said Act is amended by inserting the following section after section 290:

"290.1. Unless otherwise stipulated, section 60.1 does not apply to the pension benefit to which a member or beneficiary is entitled in respect of service credited under the plan for a period of employment prior to 1 January 2001.

A pension plan is exempted from the application of section 60.1 if, as of 16 March 2000, the plan contains a provision that is in force, was registered with the Régie before that date and provides that the deferred pension is adjusted before retirement according to a formula different from the formula provided in the second paragraph of section 60.1, provided the formula is approved by the Régie on the application of the pension committee.

The pension committee must submit the application to the Régie not later than 31 December 2000. However, in the case of a pension plan applicable to employees governed by a collective agreement, an arbitration award in lieu thereof or an order or decree rendering a collective agreement compulsory in force on 1 January 2001, the application must be submitted not later than the day immediately preceding the date of expiry of the collective agreement or arbitration award or the date of expiry, extension or renewal of the order or decree.

If such a formula is amended after being approved by the Régie, the amended formula may be approved by the Régie provided the related application is submitted to the Régie before the effective date of the amendment. If approval is granted, the plan is exempted from the application of section 60.1 in respect of the formula.

The Régie cannot approve an adjustment formula unless it is of the opinion that the value of the pension referred to in the second paragraph of section 60.1 determined according to that formula for the period referred to in that paragraph will be generally equivalent to the value that would be determined pursuant to that paragraph. The Régie may use any assumption, method, rule, scenario or factor it sees fit in order to assess such equivalence."

180. Section 291 of the said Act is amended by replacing "those actuarial assumptions and methods referred to in section 61 which" in the second paragraph by "the assumptions referred to in section 61 which".

181. The said Act is amended by inserting the following section after section 291:

"291.1. Section 61, as it read before 1 January 2001, continues to apply to the determination of the value of the benefits accrued to members or beneficiaries made on the basis of an earlier date."

182. Section 292 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is again amended by replacing "2460" in the first line by "2459".

183. Sections 293 to 296 of the said Act are repealed.

184. Section 299 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing "after 31 December 1989" in the first line of the second paragraph by "between 31 December 1989 and 1 January 2001";

(2) by inserting "lump sum" before "benefit" in the second line of the second paragraph;

(3) by replacing "paid by the member before that date, with interest accrued to the date of the member's death" in the second and third lines of the second paragraph by "and additional voluntary contributions paid by the member before 31 December 1989, with interest accrued to the date of payment of the benefit";

(4) by adding the following paragraphs after the second paragraph:

"Where the death occurs after 31 December 2000, the benefit provided for in the second paragraph shall be made to the member's spouse or, if there is no

surviving spouse, to the member's successors. However, the spouse may waive entitlement to such benefit, in which case section 88.1 applies, with the necessary modifications. Moreover, this paragraph does not apply if the surviving spouse is entitled, as of the member's death, to a pension the value of which is equal to or greater than the benefit provided for in the second paragraph.

For the purposes of this section, a member's spouse is the person who meets the requirements set out in section 85."

185. The said Act is amended by inserting the following section after section 299:

"299.1. A lump sum benefit payable under section 86 in respect of a death having occurred before 1 January 2001 shall bear interest, from that date until the date of payment, at the rate used to determine the amount of the benefit."

186. The said Act is amended by inserting the following sections after section 300.1:

"300.2. Section 89, as it read before 1 January 2001, continues to apply to the exceptions provided for therein where the court judgment became effective or, as the case may be, the conjugal relationship ended after 31 August 1990 but before 1 January 2001.

"300.3. The last paragraph of section 85 applies to a person separated from bed and board from a member who dies or whose pension begins to be paid, as the case may be, after 31 December 2000 regardless of the date on which the judgment granting separation from bed and board was rendered or became effective.

"300.4. Section 89.1 only applies to divorces, marriage annulments, separations from bed and board and cessations of conjugal relationship having become effective after 31 December 2000. However, whether or not benefits have been partitioned, an application under that section may be submitted by a member whose divorce, marriage annulment, separation from bed and board or cessation of conjugal relationship became effective before that date; the member's pension is established as of the date of the application and not as of the effective date of the judgment or cessation of conjugal relationship."

187. Section 303 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing "the said section" in the first line of the second paragraph by "section 98".

188. Section 304 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is repealed.

189. Section 305 of the said Act is amended

(1) by replacing "an uninsured" in the third line of the first paragraph by "a";

(2) by striking out "or 100" in the fourth line of the first paragraph.

190. The said Act is amended by inserting the following sections after section 306.6:

"306.7. Sections 119, 130, 133, 134 and 138, as they read before 1 January 2001, continue to apply to actuarial valuations dated prior to 15 December 2000.

"306.8. Where an agreement or an arbitration award pursuant to the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2) provides for the appropriation of the surplus assets of a pension plan to the payment of employer contributions, Chapter X.1 can only apply in respect of the pension plan before the expiry of the agreement or award if the municipal body concerned and all certified associations representing members so agree.

"306.9. Except in the case of a pension plan resulting from the division of a pension plan that was not amended pursuant to section 146.5, the provisions of a pension plan that comes into force after 31 December 2000 pertaining to the employer's right to appropriate all or part of the surplus assets to the payment of employer contributions prevail over any other provision of the plan or of an agreement and are binding on every party having rights or obligations under the plan.

No amendment of a pension plan resulting from the division of a pension plan that was amended pursuant to section 146.5 may pertain to the employer's right to appropriate all or some of the surplus assets to the payment of employer contributions unless all the requirements set out in the first paragraph of section 146.5 and in section 146.6 are satisfied.

"306.10. Only refunds and pension benefits that become payable after 31 December 2000 are subject to offsetting pursuant to section 163.1.

"306.11. Sections 18, 32, 56, 165, 190, Chapter XIII except section 240.2 and paragraphs 1 and 3 of section 240.3, paragraph 12 of section 244, paragraph 6 of section 246 and sections 309 to 311.1, as they read on 31 December 2000, continue to apply

(1) to matters pending before the Régie on 31 December 2000;

(2) to total terminations having occurred before 1 January 2001 and partial terminations affecting members whose active membership ended before that date, whether or not the termination results from the withdrawal of an employer from a multi-employer pension plan, provided that

(*a*) if the employer decided to terminate the plan, the members were duly advised in writing, as provided by law; and

(*b*) if the Régie decided to terminate the plan by reason of the employer's failure to collect member contributions or to pay employer contributions or the member contributions collected into the pension fund or to the insurer, or by reason of a decrease in the number of active members, the event that warranted the Régie's decision occurred between 31 December 1999 and 1 January 2001.

Notwithstanding any provision to the contrary, a partial termination can only affect members whose active membership ended before 1 January 2001.

Section 32.1 does not apply to terminations to which this section applies.

"306.12. Section 230.1.1 applies to any pension plan whose assets are not entirely liquidated on 1 January 2001 insofar as the employer did not transmit a draft agreement before that date to the pension committee concerning the allocation of surplus assets in accordance with section 230.2 as it read before that date.

"306.13. Section 240.2 only applies to members whose active membership ended after 31 December 2000.

"306.14. Section 240.3 applies even to terminations having occurred before 1 January 2001 and to terminations pending before the Régie on that date, except partial terminations referred to in section 306.11, in whose respect paragraph 2 of section 240.3, as it read before 1 January 2001, continues to apply."

191. Section 307.1 of the said Act is replaced by the following section:

"307.1. Every person or body administering a pension plan shall, within five years from 1 January 2001 or before the expiry of such extension as may be granted by the Régie, regularize any investment of the assets of the plan made before 1 January 2001 that was in conformity with this Act as it read before that date but is not in conformity with this Act as it reads from that date.

Where a pension plan in force on 31 December 2000 authorizes members to distribute all or part of the amounts credited to them among various investments, the investment options offered must, if need be, be brought into conformity with the provisions of section 168 as it reads from 1 January 2001 within one year from that date.

The right to a transfer provided for and the applicable conditions set out respectively in subparagraph *b* of subparagraph 3 of the first paragraph and the second paragraph of section 173 as it read before 1 January 2001 shall continue to apply until 31 December 2001 to deposits to which those provisions are applicable."

192. Section 308.3 of the said Act is amended

(1) by inserting ", and in cases where the Régie rendered a decision relating to a notice of termination or a decision partially terminating a pension plan, provided its decision approving the draft termination report or the termination report itself was rendered after 31 December 1992" after "surplus assets" in the fourth line;

(2) by striking out "between 1 January 1990 and 1 January 1993" in the fifth and sixth lines;

(3) by striking out "total" in the second last line;

(4) by adding the following paragraphs at the end:

"However, if the date of the partial termination precedes the date of the total termination of the plan by seven years or more, members whose rights were thus satisfied shall only retain their status as members for the said purpose if they present their claim to the pension committee within the prescribed time.

Whenever the provisions of the second paragraph are to be applied, the notice required to be published under the second paragraph of section 230.4 must set out the rules established by this section. However, where a case has been referred to arbitration under section 230.7 without publication of the notice, the pension committee shall, upon being informed of the referral to arbitration, cause to be published in a daily newspaper circulated in the region in Québec where the greatest number of members who were active at the date of termination reside, a notice of the application for arbitration setting out the rules established by this section, and informing interested parties that, until the matter is taken under advisement, they may present their claim to the pension committee. A copy of the public notice must be sent without delay to the Régie.

The pension committee is exempted from the obligation to publish the notice if all members and beneficiaries who may have rights under the pension plan or under this Act have been personally advised."

193. Sections 309 and 310 of the said Act are repealed.

194. Section 310.1 of the said Act, amended by section 254 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out “and of section 311.3” in the second line of the first paragraph;

(2) by striking out “or 311.3” in the fifth line of the second paragraph;

(3) by replacing “newspaper” in the eighth line of the second paragraph by “daily newspaper”;

(4) by replacing “However, the Régie may exempt the pension committee from the obligation to publish where it is attested in writing that” in the first and second lines of the third paragraph by “The pension committee is exempted from the obligation to publish the notice if”.

195. Section 310.2 of the said Act is replaced by the following section:

“310.2. An employer that is required to send to the members the notice provided for in the first paragraph of section 230.4 or to publish the notice provided for in the second paragraph of that section must, except where exercising powers delegated by the pension committee, indicate therein that any opposition to the draft agreement on the part of the members and beneficiaries concerned must be filed in writing with the Régie.

Section 230.6 shall apply in such cases having regard to any opposition communicated to the Régie under this section.”

196. Section 311 of the said Act is repealed.

197. Section 311.1 of the said Act is amended

(1) by striking out “and of section 311.3” in the first and second lines of the first paragraph;

(2) by replacing “the statement required by section 203” in the third line of subparagraph 2 of the first paragraph by “a statement of benefits”;

(3) by striking out “or of section 311.3” in the second line of the second paragraph;

(4) by striking out “totally” in the third line of the second paragraph.

198. Sections 311.2, 311.3 and 311.4 of the said Act are repealed.

199. The said Act is amended by inserting the following sections after section 311.4:

“311.5. Except in cases to which section 266 applies, sections 243.3, 243.6 and 243.7, as they read before 1 January 2001, continue to apply to pension plans whose administrator is not a pension committee whose composition is in accordance with section 147.

"311.6. The first paragraph of section 23, sections 56, 66, 69 and 71, paragraph 3 of section 86, paragraph 1 of section 98, the first paragraph of section 197 and sections 293 to 296 and 303, as they read before 1 January 2001, continue to apply to the rights and benefits of members whose active membership ended before that date.

Section 66, as it reads subsequent to 31 December 2000, also applies to the rights and benefits referred to in the first paragraph.

"311.7. The list of possible arbitrators drawn up in accordance with section 243.17 as it read before 1 January 2001 is deemed to have be drawn up by the Minister in accordance with that section as it reads from that date."

200. Section 312 of the said Act is amended by adding the following paragraph at the end:

"The Régie may, by regulation and before 1 January 2003, adopt any transitional provision for the carrying out of this Act as it stands on 1 January 2001. Regulations made under this section shall be submitted to the Government for approval. They may have retroactive effect from a date not prior to 1 January 2001."

201. The said Act is amended by inserting the following section after section 317:

"317.1. Any unfunded actuarial liability resulting from an amendment to a pension plan for the purpose of bringing the pension plan into conformity with this Act as it stands on 1 January 2001 may be considered to be an initial unfunded actuarial liability.

The Régie may require that a pension committee submit to it, within a specified time, a report prepared by an actuary and containing the information and attestations the Régie considers necessary to ascertain that the determination of employer and member contributions is in conformity with the pension plan and with this Act as it stands on 1 January 2001.

For the purposes of this Act, the report provided for in the second paragraph is considered to be an actuarial valuation report of a pension plan prepared under section 119."

202. The said Act is amended by inserting the following section after section 318:

"318.1. The amendments needed to bring the provisions of a pension plan that is in force on 31 December 2000 into conformity with this Act as it stands on 1 January 2001 must be presented to the Régie for registration within 12 months after 31 December 2000 or within such additional time as the Régie may grant.

Amendments registered under this section have effect from 1 January 2001.

However, as concerns employees governed by a collective agreement, an arbitration award in lieu thereof or an order or decree making a collective agreement compulsory in force on 1 January 2001, the adjustment of pensions under section 60.1 has effect only as of the date of expiry of the collective agreement or arbitration award or as of the date of expiry, extension or renewal of the order or decree."

203. The said Act is amended by striking out "total" and "totally" wherever they appear in

(1) section 223;

(2) the heading of subdivision 4.1 of Division II of Chapter XIII;

(3) section 243.2;

(4) the second paragraph of section 288.1;

(5) section 308.1; and

(6) section 318.

204. The Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by inserting the following section after section 25.3:

"25.4. Every contract entered into by the Board for the maintenance or development of computer systems, for electronic data processing or for document destruction must be established in writing where it involves access to or the communication of information to which Division VIII of Chapter III of the Act respecting the Ministère du Revenu (chapter M-31) applies. Every such contract must also specify the measures to be taken to ensure that the information involved is used solely for the purposes of the contract and is retained only by the Board once the contract has expired.

The Board must submit the contract to the Commission d'accès à l'information in order to obtain the Commission's opinion on whether the contract satisfies the requirements of the first paragraph. The Commission must issue its opinion within 60 days. The Board must comply with the opinion of the Commission.

The opinion of the Commission shall be tabled in the National Assembly by the minister responsible for the Board within the ensuing 30 days or, if the Assembly is not in session, within 30 days of resumption.

This section applies notwithstanding the third paragraph of section 69.1 and section 71.4 of the Act respecting the Ministère du Revenu."

205. Section 25.4 of the Act respecting the Québec Pension Plan, enacted by section 204, shall cease to have effect on the date and subject to the conditions fixed by the Government or not later than 1 January 2002, unless the Government prolongs the effect thereof for the period it indicates before that date.

206. This Act comes into force on 1 January 2001, except sections 1, 2, 15, 16, 22, 104, 158 and 159, paragraph 5 of section 164 and sections 165, 166, 168 and 174, the second, third, fourth and fifth paragraphs of section 290.1 of the Supplemental Pension Plans Act, enacted by section 179, and sections 204 and 205, which come into force on 5 December 2000, and section 96, which comes into force on 1 January 2002.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 103
(2000, chapter 47)

An Act to amend the Act respecting the Société québécoise de récupération et de recyclage

Introduced 16 March 2000
Passage in principle 11 April 2000
Passage 6 December 2000
Assented to 13 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

This bill amends the Act respecting the Société québécoise de récupération et de recyclage to provide that the administration of a consignment system may be entrusted to a third person according to the provisions of the agreement or regulation establishing the system.

The bill validates the Agreement relating to the consignment, recovery and recycling of non-returnable soft drink containers made on 1 December 1999 insofar as it is inconsistent with the provisions of the Beer and Soft Drinks Distributors' Permits Regulation.

Bill 103

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 20 of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01), amended by section 300 of chapter 40 and section 41 of chapter 75 of the statutes of 1999, is again amended

(1) by adding ", subject to any provision to the contrary in the agreement or regulation" at the end of the first paragraph;

(2) by replacing " the non-refundable part of the deposits and any unclaimed deposits for the achievement of its objects" in the second paragraph by ", for the achievement of its objects, the non-refundable part of the deposits and any unclaimed deposits as well as any sums assigned to it for that purpose under a regulation or agreement referred to in the first paragraph".

2. The Agreement relating to the consignment, recovery and recycling of non-returnable soft drink containers made on 1 December 1999 under the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001) is validated insofar as the Agreement is inconsistent with the provisions of the Beer and Soft Drinks Distributors' Permits Regulation made under Order in Council 1542-84 (1984, G.O. 2, 3099) that pertains to the recovery zone of a soft drinks distributor, the sale or distribution of soft drinks under a trade mark that is exclusive to an establishment or group of establishments and the contribution payable above a certain volume of sales.

3. Section 1 has effect from 1 December 1999.

4. This Act comes into force on 13 December 2000.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 152
(2000, chapter 48)

An Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories

Introduced 26 October 2000
Passage in principle 8 November 2000
Passage 12 December 2000
Assented to 13 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife mainly as regards the management of wildlife territories and related licences as well as the powers of wildlife conservation officers.

The bill introduces new standards concerning the tariffing applicable to recreational activities in controlled zones and in wildlife sanctuaries and preserves. A development plan must first be submitted to the Société de la faune et des parcs du Québec for approval. The plan is approved after consultation with the Minister of Natural Resources and requires the Minister's approval if the plan's implementation involves the granting of leases or occupation licences for lands in the domain of the State.

As concerns wildlife preserves in particular, the Société will henceforth be able to authorize activities with a view to the development or utilization of wildlife as well as of the wildlife habitat. The fees collected for the activities may devolve upon the persons authorized by the Société.

The bill revises the definition of "outfitting operation" *and gives the Government a regulatory power of exclusion in that regard. The use of the terms* "outfitter" *or* "hunting or fishing outfitting operation" *will now be possible with the authorization of the Société. The Société is also given the power to refuse to issue an outfitting licence in the interest of wildlife management or conservation.*

The bill specifies the powers of inspection and seizure of wildlife conservation officers and grants them broader immunity in relation to their powers of inspection. Immunity is also granted to personnel members of the Société carrying out research, analyses or appraisals.

Under the bill, a portion of the fees collected for the issuing of certificates and licences may be used for the purpose of financing the expenses relating to the development and operation of the certificate and licence issuing system. The bill allows the Government to modify the percentage of 10% provided for in the Act and representing the portion of the fees collected that may be used as compensation for the issuing of the licences and as payment of the development and operating costs of the issuing system.

Under the bill, the Société may, for the purposes of wildlife management, limit the number of licences that an outfitting operation, an association or a body is authorized to issue in respect of a territory.

In addition, the bill amends the Act respecting hunting and fishing rights in the James Bay and New Québec territories so as to harmonize the fine prescribed in that Act for the illegal operation of an outfitting operation with the fine under the Act respecting the conservation and development of wildlife.

Lastly, the bill contains penal and transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

– Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1).

Bill 152

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE AND THE ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by inserting the following definition in alphabetical order:

"**"to purchase"** means to obtain or attempt to obtain, exchange, or procure or permit the procurement of an animal, pelt or fish, in return for a promised or received benefit;".

2. Section 13.1 of the said Act, amended by section 45 of chapter 36 of the statutes of 1999, is again amended

(1) by replacing "trapping animals or" in the fourth line of the first paragraph by "trapping animals, any plant of a species designated as threatened or vulnerable under the Act respecting threatened or vulnerable species or";

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

"The protection officer or protection assistant may, in exercising his powers of inspection,

(1) open any container or require any person to open any container kept under lock and key if the protection officer or protection assistant believes on reasonable grounds that it contains any animal, fish or pelt, or any specimen of a plant species or any object or document referred to in the first paragraph;

(2) use or cause to be used any computer system to examine or reproduce documents;

(3) use or cause to be used any copying equipment to make copies of documents and photographs;

(4) take samples from any animal, fish, pelt or plant species referred to in the first paragraph;

(5) take photographs of a place;

(6) require any person on the premises to provide all reasonable assistance to enable the protection officer or protection assistant to exercise his functions;

(7) make a seizure in accordance with section 16.

Every person referred to in the third paragraph shall comply forthwith with any request.";

(3) by adding ", and a unit that is designed to be mobile and to be used as a permanent or temporary residence and that is being used as such a residence" after "passageway" in the fourth line of the fourth paragraph.

3. Section 16 of the said Act is amended

(1) by replacing "or pelt" in the second line of the first paragraph by "or pelt, or any specimen of a threatened or vulnerable plant species referred to in section 13.1, or any of its parts,";

(2) by replacing "or pelt" in the second line of the fourth paragraph by ", pelt or specimen of a plant species or any of its parts".

4. Section 18 of the said Act is amended by adding the following paragraph at the end:

"Where possession of an animal, fish or pelt or of a specimen of a plant species referred to in section 13.1 is prohibited under the provisions of the Acts or regulations under which the seizure was made, the person from whom the animal, fish, pelt or specimen was seized may abandon it to the State."

5. Section 24 of the said Act, amended by section 48 of chapter 36 of the statutes of 1999, is replaced by the following sections:

"24. A wildlife protection officer or other officer referred to in section 3 is justified in performing or omitting to perform an act that would constitute an offence under the Acts and regulations referred to in paragraphs 1, 5, 6 and 7 of section 5 as regards species of wildlife, or in paragraph 9 of that section, provided the officer is acting within his investigative or control functions and in compliance with the conditions determined by the Société. Such an officer is not liable to any penalty imposed by those laws on offenders.

"24.01. A personnel member or position holder of the Société may, in exercising his functions and for research, study, analysis, inventory or appraisal purposes, disregard section 26, 27, 28, 30.2, 30.3, 32, 34, 49, 50, 56, 57, 71 or 128.6 of this Act insofar as he is complying with the conditions determined by the Société. A member or holder complying with those conditions is not liable to any penalty imposed by this Act on persons committing an offence under those sections."

6. Section 49 of the said Act is amended by replacing "No" in the first line by "Except in the cases prescribed by regulation, no" and by replacing "for consumption" in the second line by "for commercial consumption".

7. Section 52 of the said Act is amended by striking out "of section 98" in the second line.

8. Section 54 of the said Act, amended by section 55 of chapter 36 of the statutes of 1999, is again amended

(1) by replacing "or stocking" in the third and fourth lines of the first paragraph by ", stocking or outfitting";

(2) by inserting the following sentence after "regulation" in the third line of the third paragraph: "The person may also pay the expenses relating to the development and operation of the certificate and licence issuing system out of the fees collected." and by replacing "The amount of such compensation" in the third line of the third paragraph by "The total amount of such compensation and payment";

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

"The percentage referred to in the third paragraph may be modified by the Government on the terms and conditions it determines."

9. Section 54.1 of the said Act, amended by section 56 of chapter 36 of the statutes of 1999, is again amended by adding the following at the end of paragraph 1: ", or determine the number of licences of each class that an outfitter, association or body is authorized to issue under section 54 for an area, territory or place subject to a limit under this paragraph".

10. Section 58 of the said Act, amended by section 59 of chapter 36 of the statutes of 1999, is replaced by the following section:

"58. The Société may, on the conditions it determines, authorize a handicapped person within the meaning of section 1 of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1) who has a physical deficiency that prevents the person from hunting in accordance with this Act, to disregard subparagraph 1 or 2 of the first paragraph of section 57 or any provision of a regulation made under subparagraph 4 of the third paragraph of section 56.

An application for such an authorization must be made in writing and contain a certificate of a member of the Ordre professionnel des médecins du Québec, the Ordre professionnel des ergothérapeutes du Québec or the Ordre professionnel des physiothérapeutes du Québec attesting the physical deficiency, specifying its nature and indicating how the deficiency prevents the handicapped person from hunting in accordance with this Act.

In authorizing a handicapped person under this section, the Société shall take into account the guide drawn up after consultation with the Office des personnes handicapées du Québec."

11. Section 69 of the said Act is amended by replacing ", purchase or offer to purchase" in the first line of the first paragraph by "or purchase".

12. Section 70 of the said Act is amended by replacing ", purchase or offer to purchase" in the first line of the first paragraph by "or purchase".

13. Section 73 of the said Act is amended by replacing "intended for" in the second line of paragraph 3 by "intended for commercial".

14. Division II of Chapter IV of the said Act entitled "OUTFITTING OPERATIONS" and comprising sections 98 to 103 becomes Division V.1 of Chapter III and its sections are renumbered as sections 78.1 to 78.7, with the following modifications:

(1) section 98 which becomes section 78.1 shall read as follows:

"78.1. In this Act, "outfitting operation" means any person who, directly or indirectly, in return for payment, offers, organizes or provides lodging and services or equipment for the purposes of recreational hunting, fishing or trapping activities.

Notwithstanding the first paragraph, the Government may, by regulation, subject to the conditions it determines, withdraw an outfitting operation from the application of the provisions of this Act that apply to outfitting operations, in particular on the basis of whether the outfitting operation is carried on on lands in the domain of the State or on private land.";

(2) section 101.1 which becomes section 78.5 shall read

(*a*) with "or" in the seventh line replaced by a comma; and

(*b*) with ", or has obtained written authorization from the Société" added after "licences" at the end.

15. Section 85 of the said Act, amended by section 85 of chapter 40 of the statutes of 1999, is again amended by adding "and the carrying on of recreational activities incidental thereto" after "resources" in the third line of the first paragraph.

16. Section 104 of the said Act, amended by section 85 of chapter 40 of the statutes of 1999, is again amended by inserting "and for the carrying on of recreational activities incidental thereto" after "wildlife" at the end of the first paragraph.

17. The said Act is amended by inserting the following sections after section 106:

"106.01. An agency that is a party to a memorandum of agreement may fix the amount of fees payable for the carrying on of recreational activities in the territory of a controlled zone, subject to the agency first having a recreational activity development plan approved by the Société. The plan must include a list of the recreational activities to be offered and the fees, which may vary, applicable to each activity. The plan must be drawn up in accordance with the directives of the Société.

"106.02. Subject to a prohibition enacted by the Government under subparagraph 2.1 of the first paragraph of section 110, the Société may, after consulting the Minister of Natural Resources, approve the plan referred to in section 106.01, with or without amendment, for the duration the Société determines. Where the implementation of the plan involves the granting of leases or occupation licences for lands in the domain of the State, the plan must also be approved by the Minister of Natural Resources.

The Société shall send the approved plan by registered or certified mail to the agency that is a party to a memorandum of agreement, and the fees provided for in the plan come into force on the date indicated on the notice of receipt or delivery. The fees shall be valid for the duration of the plan to which they pertain, as determined by the Société under the first paragraph.

Where the agency wishes to amend fees approved by the Société, it must submit new fees to the Société for approval.

"106.03. The fees referred to in section 106.02 must be posted up at the place where users register and a copy must be given on request to any user carrying on a recreational activity in the controlled zone.

"106.04. The fixing of fees under section 106.01 by an agency that is a party to a memorandum of agreement is not subject to the Regulations Act (chapter R-18.1)."

18. Section 107 of the said Act, amended by section 86 of chapter 36 of the statutes of 1999, is again amended by adding "or authorize an agency that is a party to a memorandum of agreement to do so" at the end of the first paragraph.

19. Section 109 of the said Act, amended by section 88 of chapter 36 of the statutes of 1999, is replaced by the following section:

"109. No person may organize activities or provide services for profit or operate a commercial undertaking in a controlled zone with a view to the development or utilization of wildlife or for the purposes of recreational activities without the authorization of the Société or without complying with the conditions of such authorization.

The Société shall authorize the organization of activities or the provision of services for profit or the operation of a commercial undertaking, for a purpose referred to in the first paragraph, on the conditions it determines in a contract with the person, association or agency concerned; it may refuse an authorization, in particular if an activity, service or commercial undertaking already forms part of a development plan approved by the Société under section 106.02."

20. Section 110 of the said Act is amended

(1) by striking out ", and fix the maximum fees exigible for the practice of these activities" in the third and fourth lines of subparagraph 2 of the first paragraph;

(2) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

"(2.1) determine the conditions that must be complied with by a person who, for recreational purposes, enters or travels about a controlled zone or engages there in any activity, or prohibit such activities;";

(3) by inserting "or for the purposes of other recreational activities" after "purposes" in the second line of subparagraph 5.1 of the first paragraph and by replacing "or trapping" in the fourth line of that subparagraph by ", trapping or other recreational";

(4) by replacing "of assigning persons to a sector" in the second line of subparagraph 5.2 of the first paragraph by "of assignment of persons, an undertaking, agency or association to a sector" and by replacing "procedures governing the fixing of the maximum number of persons who may hunt, fish or trap in a sector of the territory, or the establishment of the mode of assignment of persons to any sector" in the third, fourth and fifth lines of that subparagraph by "procedures applicable in such cases";

(5) by replacing "any activity" in the third line of subparagraph *b* of subparagraph 6 of the first paragraph by "hunting, fishing or trapping activities";

(6) by replacing "purposes" in the second line of subparagraph *d* of subparagraph 6 of the first paragraph by "purposes, or for the purposes of other recreational activities" and by replacing "fishing or trapping" in that line by "trapping or other recreational";

(7) by replacing "of assignment of persons to any sector" in the second and third lines of subparagraph *e* of subparagraph 6 of the first paragraph by "of assignment of persons or of an undertaking, agency or association to any sector";

(8) by replacing “or the sector” in the fourth line of the second paragraph by “, the sector or the place”.

21. Section 111 of the said Act, amended by section 85 of chapter 40 of the statutes of 1999, is again amended by adding “and to the carrying on of recreational activities incidental thereto” after “wildlife” at the end of the first paragraph.

22. Section 118 of the said Act, amended by section 92 of chapter 36 of the statutes of 1999, is again amended

(1) by adding “or authorize, on the conditions it determines in a contract, the person, association or body concerned to do so” at the end of the first paragraph;

(2) by replacing the first sentence of the second paragraph by the following sentence: “The Société may also, in the same manner, authorize them to organize activities, provide services for profit or operate a commercial undertaking with a view to the development or utilization of wildlife or for the purposes of recreational activities in a wildlife sanctuary.”;

(3) in the French text, by replacing “lui” in the fourth line of the second paragraph by “leur”.

23. The said Act is amended by inserting the following section after section 118:

“118.1. A person, association or body referred to in section 118 may fix the amount of fees payable for the carrying on of recreational activities in the territory of a wildlife sanctuary. In such a case, sections 106.01 to 106.04 apply with the necessary modifications.”

24. Section 120 of the said Act, amended by section 94 of chapter 36 of the statutes of 1999, is replaced by the following section:

“120. No person may organize activities or provide services for profit or operate a commercial undertaking in a wildlife sanctuary with a view to the development or utilization of wildlife or for the purposes of recreational activities without being authorized by a contract with the Société or without complying with the conditions of such authorization.

The Société may refuse an authorization in particular if the organization of an activity, the provision of a service or the operation of an undertaking already forms part of a development plan approved by the Société under this Act.”

25. Section 120.1 of the said Act is repealed.

26. Section 121 of the said Act is amended, in the French text, by replacing "et de piégeage" in the second line of paragraph 4 by "ou de piégeage".

27. Section 122 of the said Act, amended by section 96 of chapter 36 of the statutes of 1999, is again amended by replacing "the resources whereof may be used on conditions" in the third line of the first paragraph by "in respect of which the conditions governing the use of the resources and the carrying on of recreational activities incidental thereto are".

28. Section 125 of the said Act is amended by adding the following paragraph after paragraph 5:

"(6) divide the territory into sectors for the purposes of the standards determined under this section, which may vary according to the sector."

29. Section 126 of the said Act, amended by section 99 of chapter 36 of the statutes of 1999, is replaced by the following section:

"126. No person may organize activities or provide services for profit or operate a commercial undertaking in a wildlife preserve with a view to the development or utilization of wildlife or the wildlife habitat or for the purposes of recreational activities without being authorized by a contract with the Société or without complying with the conditions of such authorization.

The Société may refuse an authorization in particular if the organization of an activity, the provision of a service or the operation of an undertaking already forms part of a development plan approved by the Société under this Act."

30. Section 127 of the said Act, amended by section 100 of chapter 36 of the statutes of 1999, is again amended

(1) by adding "or, on the conditions it determines in a contract with a person, association or body concerned, authorize the person, association or body to do so" at the end of the first paragraph;

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

"The Société may also, in the same manner, authorize them to organize activities, provide services for profit or operate a commercial undertaking with a view to the development or utilization of wildlife or a wildlife habitat or for the purposes of recreational activities in a wildlife preserve. The Société may, to that end and on the conditions it determines, transfer to such a person, association or body the ownership of improvements or constructions.

The contract may provide that the fees to travel about the territory or to carry on any activity shall devolve upon the other contracting party."

31. The said Act is amended by inserting the following section after section 127:

"127.1. A person, association or body referred to in section 127 may fix the amount of fees payable for the carrying on of recreational activities in the territory of a wildlife preserve. In such a case, sections 106.01 to 106.04 apply with the necessary modifications."

32. Section 165 of the said Act is amended by replacing "99 or 101" in the first and second lines of subparagraph 3 of the first paragraph by "78.2 or 78.4".

33. Section 167 of the said Act is amended by striking out "section 52," in the second line of subparagraph 2 of the first paragraph and by inserting ", the first paragraph of sections 109, 120 and 126" after "70" in that line.

34. The said Act is amended by inserting the following section after section 167:

"167.1. Every person who contravenes a provision of section 52 is guilty of an offence and is liable, for a first offence, to a fine of not less than $1,825 nor more than $5,475 and, for any subsequent offence, to a fine of not less than $5,475 nor more than $16,400."

35. Section 171 of the said Act is amended by replacing "the second paragraph" in the first line of paragraph 2 by "the second or fourth paragraph" and by replacing "96, 101.1" in the second line of that paragraph by "78.5, 96".

36. The said Act is amended by replacing "wildlife conservation officers", "conservation officers", "conservation officer", "wildlife conservation assistants", "conservation assistants" and "conservation assistant", wherever they appear, by "wildlife protection officers", "protection officers", "protection officer", "wildlife protection assistants", "protection assistants" and "protection assistant", respectively.

Unless the context indicates otherwise, the same applies in respect of any other Act and in respect of regulations, by-laws, orders in council, orders, contracts, deeds of appointment or other legal acts or documents.

37. A wildlife conservation officer appointed in accordance with section 3 of the Act respecting the conservation and development of wildlife is deemed to be appointed as a wildlife protection officer.

A wildlife conservation assistant appointed in accordance with section 8 of that Act is deemed to be appointed as a wildlife protection assistant.

38. The parts of land in the domain of the State delimited under section 85 of the Act respecting the conservation and development of wildlife are deemed also to be delimited incidentally for the purpose of the carrying on of recreational activities.

A controlled zone established under section 104 of that Act is deemed also to be established incidentally for the purpose of the carrying on of recreational activities. The same applies to a wildlife sanctuary established under section 111 and to a wildlife preserve established under section 122 of that Act.

39. Section 96 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is replaced by the following section:

"96. Every person operating as an outfitter in the Territory without holding the licence required by the law is guilty of an offence and liable

(1) where lodging is provided, to a fine of not less than $1,825 nor more than $5,475 and, for any subsequent offence, to a fine of not less than $5,475 nor more than $16,400; and

(2) where no lodging is provided, to a fine of not less than $500 nor more than $1,475 and, for any subsequent offence, to a fine of not less than $1,475 nor more than $4,375."

40. This Act comes into force on 13 December 2000 except the amendments enacted by paragraphs 1 and 2 of section 14 which come into force on the date to be fixed by the Government.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 164
(2000, chapter 49)

An Act respecting transport infrastructure partnerships

Introduced 15 November 2000
Passage in principle 28 November 2000
Passage 12 December 2000
Assented to 13 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

This bill establishes standards for projects relating to the construction, repair or operation of transport infrastructures in partnership with the private sector. It grants in this respect specific powers to the Minister of Transport and the Government.

More specifically, the bill provides a framework for the erection and operation of road infrastructures under a partnership agreement, and makes provision for the enforcement of the Highway Safety Code on the infrastructures and for the enforcement of certain rules regarding tolls and their payment.

LEGISLATION AMENDED BY THIS BILL:

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011).

Bill 164

AN ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PARTNERSHIP PROJECT AND AGREEMENT

1. This Act applies to any long term partnership agreement between the Government and a private enterprise for the construction, repair or operation of a transport infrastructure. Such an agreement must involve the sharing of risks between the Government and the private sector.

Subject to the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), another government or municipality may also be a party to such an agreement.

2. The Minister, with the authorization of the Government, shall define the partnership project and, subject to the Public Administration Act (2000, chapter 8), determine the rules that apply thereto.

3. The proposals submitted by potential partners shall be assessed according to the criteria and procedure determined by the Minister, as approved by the Government and stated in the proposal solicitation documents.

4. The Minister may, for the purposes of a partnership project, acquire by agreement or by expropriation or lease any property the Minister deems useful. The Minister may, for the same purposes, transfer or lease out any property under the Minister's management.

5. The Minister may, with the authorization of the Government and on the terms and conditions it determines, enter into a transport infrastructure partnership agreement.

Any such agreement that pertains to the carrying out of a road infrastructure project must involve private sector participation in the financing of the project.

6. Every property and work acquired, built or operated by a partner under this Act shall remain or become the property of the Government upon the expiry of the partnership agreement.

7. Any road infrastructure operated under a partnership agreement is a public highway within the meaning of section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2); the said Code, as well as any other Act applicable to public highways, applies to the road infrastructure as if it were a public highway maintained by the Minister of Transport.

For the purposes of the said Code, a partner operating a road infrastructure is deemed to be the person responsible for the maintenance of that public highway.

8. The Minister may, in a partnership agreement and on the conditions the Minister determines, delegate to a partner all or part of the Minister's powers regarding the operation of a road infrastructure.

The Minister may also, on the conditions the Minister determines, authorize the partner to delegate those powers to another person.

9. In case of resiliation of a partnership agreement, the Minister may exercise all powers and rights and perform all obligations relating thereto, subject to the conditions and for the period fixed by the Government.

10. Every partnership agreement entered into by the Minister shall be tabled by the Minister in the competent parliamentary committee of the National Assembly within 30 days of its signature.

CHAPTER II

ROAD TOLLS

11. The Government may, by regulation, in respect of a road infrastructure referred to in section 7, establish standards concerning

(1) the establishment of the tolls, fees and charges and the interest rates referred to in section 12;

(2) the nature, components, construction and mode of operation of toll devices;

(3) the nature, quality and use of devices or equipment used to identify a vehicle at a toll station;

(4) the registration and distribution of toll devices; and

(5) the verification or certification, by a designated body, of toll devices or devices or equipment used to identify a road vehicle at a toll station.

The Government may also, by regulation, exempt any road vehicle or class of road vehicle from the payment of a toll.

12. A partner may, subject to the regulations made under subparagraph 1 of the first paragraph and the second paragraph of section 11,

(1) establish, collect and enforce payment of tolls with respect to the operation of any road vehicle or class of road vehicle on a road infrastructure designated by the Minister;

(2) establish, collect and enforce administration fees, and fees payable with respect to an application for cancellation of a default notice for failure to pay a toll or with respect to an application for review of a decision on the former application; and

(3) establish interest rates to be charged on unpaid tolls, fees and charges, and collect interest charged at those rates.

13. A toll and any related fees, charges and interest payable under this Act for the operation of a road vehicle on a designated road infrastructure shall be paid to the partner

(1) if a toll device is affixed to the road vehicle, by the person in whose name the toll device is registered;

(2) if a toll device is not affixed to the road vehicle or if the device is not in operation, by the holder of the registration certificate issued with respect to the road vehicle; and

(3) in other cases, by the driver of the road vehicle.

14. Photographic or electronic evidence pertaining solely to the registration plate on a road vehicle and establishing the use of the road vehicle on the designated infrastructure is proof, in the absence of any evidence to the contrary, of the obligation to pay a toll.

15. A partner is authorized to collect, from any government or body and solely for the purpose of collecting or enforcing payment of a toll, the following personal information concerning the holder of a registration certificate issued with respect to a road vehicle:

(1) the name and address of the holder;

(2) the particulars identifying the road vehicle; and

(3) the class of the road vehicle.

16. The tolls, fees, charges and interest collected by a partner or on a partner's behalf belong to the partner, unless otherwise provided by the partnership agreement.

17. A partner may neither use nor transmit to another person the personal information collected within the scope of a partnership agreement otherwise than for the purpose of collecting or enforcing payment of a toll.

18. If a toll charged for operating a road vehicle on a designated infrastructure or any administration fee is not paid within 30 days after the day it is payable, the partner may send to the person responsible for the payment of the toll a default notice for failure to pay the toll

(1) setting out the amount due, including the administration fees and the interest rate charged;

(2) informing the person that he or she may apply for the cancellation of the default notice on a ground referred to in section 19; and

(3) informing the person that if he or she applies for the cancellation of the default notice,

(*a*) the person must send an application for cancellation to the partner within 30 days of receiving the default notice and state therein the grounds for the application;

(*b*) the person bears the onus of proving the grounds on which the application for cancellation is based; and

(*c*) the toll, fees, charges and interest set out in the default notice shall be deemed to be paid if the partner fails to send a decision, with reasons, to the person within 30 days of receiving the application for cancellation.

19. A person who receives a default notice for failure to pay a toll may apply for the cancellation of the notice on any of the following grounds:

(1) the toll was paid in full;

(2) the amount claimed is incorrect;

(3) the vehicle, registration plate or toll device registered in the person's name was, without the person's consent, in the possession of a third person at the time the toll should have been paid;

(4) the person is not the person responsible for the payment of the toll.

20. A person whose application for cancellation has been dismissed by the partner may, within 30 days of receiving the decision, apply for a review of the decision by the person designated by the Minister.

On sending a copy of the decision to the person concerned, the partner shall inform the person of his or her right to apply for a review by the person designated by the Minister and of the time limit for doing so.

21. The review decision must be rendered within 30 days of receipt of the application and must be sent in writing to the person concerned. If the application for review is dismissed, the person concerned may contest the decision before the Administrative Tribunal of Québec within 30 days after notification of the review decision.

On notifying a decision dismissing an application for review to the person concerned, the person designated by the Minister shall inform the person of his or her right to contest the decision before the Administrative Tribunal of Québec and of the time limit for doing so.

22. A person who does not apply for the cancellation of a default notice for failure to pay a toll must comply therewith within 30 days of receiving the notice.

A person whose application for cancellation of a default notice was dismissed must comply with the notice within 30 days of receiving the decision of the partner, the decision of the person designated by the Minister or the decision of the Administrative Tribunal of Québec, as the case may be.

23. The partner may advise the Société de l'assurance automobile du Québec of the failure of a person referred to in the first paragraph of section 22 to comply with the default notice within the time allotted in order that the Société not renew the right to drive the vehicle in respect of which the toll is payable. The partner, the person designated by the Minister or the Administrative Tribunal of Québec, as the case may be, may, to the same end, advise the Société of their decision to dismiss an application.

The partner shall advise the Société de l'assurance automobile du Québec without delay when the amount payable to it has been paid, and shall immediately send a copy of the notice to the holder of the registration certificate issued with respect to the vehicle.

24. The partner shall compensate the Société, according to the terms fixed by agreement with the Société, for disbursements made by the Société in carrying out its responsibilities under this Act.

CHAPTER III

MISCELLANEOUS PROVISIONS

25. Section 31.1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting the following paragraph after the first paragraph:

"In addition, the owner must have complied with any default notice for failure to pay a toll in accordance with section 22 of the Act respecting

transport infrastructure partnerships (2000, chapter 49), in respect of which the Société received a notice under the first paragraph of section 23 of that Act.";

(2) by inserting "or where, on the due date, the Société has not received the notice referred to in the second paragraph of section 23 of the Act respecting transport infrastructure partnerships" after "paragraph" in the third line of the third paragraph;

(3) by adding the following at the end of the fourth paragraph: ", and the Société must, in the case of a failure to pay a toll, have received the notice referred to in the second paragraph of section 23 of the Act respecting transport infrastructure partnerships".

26. Section 417.1 of the said Code is amended by adding the following: "or the sum payable under the Act respecting transport infrastructure partnerships."

27. Section 648 of the said Code is amended by adding "and the amounts received pursuant to section 24 of the Act respecting transport infrastructure partnerships" at the end of paragraph 5.

28. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 32 of chapter 32 of the statutes of 1999 and by section 22 of chapter 10 of the statutes of 2000, is again amended by adding the following:

"(30) section 21 of the Act respecting transport infrastructure partnerships (2000, chapter 49)."

29. Section 17 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by inserting "of the Act respecting transport infrastructure partnerships (2000, chapter 49)," after "(chapter C-24.2)," in the fourth line of the second paragraph.

CHAPTER IV

FINAL PROVISIONS

30. The Minister of Transport is responsible for the administration of this Act.

31. This Act comes into force on 13 December 2000 except sections 23 to 27 and 29, which come into force on the date to be fixed by the Government.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 168
(2000, chapter 52)

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

Introduced 15 November 2000
Passage in principle 5 December 2000
Passage 14 December 2000
Assented to 15 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

The object of this bill amending the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly is to increase the annual indemnity of the Members of the National Assembly from $63,317 to $69,965 as of 1 July 2000.

The bill also provides that the annual indemnity is to be increased by 2.5% as of 1 January 2001 and by 2.5% as of 1 January 2002. The indemnity will subsequently be increased by a percentage equal to the percentage of increase applicable to the salary scales for the group of positions of senior executive officers in the public service.

LEGISLATION 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 reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, chapter 7).

Bill 168

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 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) is replaced by the following section:

"1. Every Member shall receive an annual indemnity increased to $69,965 as of 1 July 2000. The indemnity shall be increased by 2.5% as of 1 January 2001 and by 2.5% as of 1 January 2002.

The annual indemnity shall subsequently be increased by a percentage equal to the percentage of increase applicable to the salary scales for the group of positions of senior executive officers in the public service, as of the effective dates of the new salary scales."

2. The second paragraph of section 21 of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, chapter 7) is repealed.

3. The sums required for the application of this Act are taken out of the consolidated revenue fund.

4. Sections 1 and 2 have effect from 1 July 2000.

5. This Act comes into force on 15 December 2000.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 176
(2000, chapter 50)

Appropriation Act No. 4, 2000-2001

Introduced 12 December 2000
Passage in principle 12 December 2000
Passage 12 December 2000
Assented to 13 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTE

The object of this bill is to authorize the Government to pay out of the consolidated revenue fund the sum of $415,000,000.00 being the appropriations to be voted for each of the programs of the portfolios listed in the Schedule and representing the 2000-2001 Supplementary Estimates No. 1.

Bill 176

APPROPRIATION ACT NO. 4, 2000-2001

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the consolidated revenue fund a sum not exceeding $415,000,000.00 to defray a part of the Expenditure Budget of Québec proposed in the Supplementary Estimates for the fiscal year 2000-2001 as laid before the National Assembly, not otherwise provided for, being the amount of each of the estimates to be voted for various programs set forth in the Schedule to this Act.

2. This Act comes into force on 13 December 2000.

SCHEDULE

EMPLOI, SOLIDARITÉ SOCIALE		
PROGRAM 2		
Financial Assistance Measures	95,000,000.00	
	95,000,000.00	
FINANCES		
PROGRAM 7		
Economic Development Assistance	38,000,000.00	
	38,000,000.00	
SANTÉ ET SERVICES SOCIAUX		
PROGRAM 3		
Consolidation and Development of Health and Social Services	265,000,000.00	
	265,000,000.00	
TOURISME		
PROGRAM 1		
Promotion and Development of Tourism	17,000,000.00	
	17,000,000.00	
		415,000,000.00

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 183
(2000, chapter 51)

An Act respecting the resumption of normal public transport service in the territory of the Société de transport de la Communauté urbaine de Québec

Introduced 15 December 2000
Passage in principle 15 December 2000
Passage 15 December 2000
Assented to 15 December 2000

Québec Official Publisher
2000

EXPLANATORY NOTES

The purpose of this bill is to provide for the resumption of normal public transport service in the territory of the Société de transport de la Communauté urbaine de Québec.

To that end, specific obligations are imposed on the employees represented by the Syndicat des salariés de garage de la STCUQ inc. (C.S.N.), on that employees' association and on the transit authority to ensure the maintenance of service, and the latest collective agreement between the parties is reinstated until 31 May 2001. The bill further provides, in particular, that passenger fares cannot be raised during the period it indicates.

Moreover, a government-appointed mediation council will be responsible for assisting the parties in improving labour relations and work organization within the enterprise, and for facilitating the conclusion of a collective agreement.

The bill also provides for the possibility of the matter of the negotiation of a collective agreement being referred to an arbitrator, for a decision based on final proposals by the parties. The resulting arbitration award would be binding on the parties from 1 June 2001 to 31 December 2003.

In addition, the bill authorizes the Minister of Labour to designate a person to investigate certain policies and practices within the Société and associations representing members of the personnel of the Société, and the relationship between the Société, the members of its personnel and those associations.

Lastly, administrative, civil and penal sanctions are provided for any failure to fulfil obligations.

Bill 183

AN ACT RESPECTING THE RESUMPTION OF NORMAL PUBLIC TRANSPORT SERVICE IN THE TERRITORY OF THE SOCIÉTÉ DE TRANSPORT DE LA COMMUNAUTÉ URBAINE DE QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

1. In this Act, unless the context indicates otherwise,

"association" means the Syndicat des salariés de garage de la STCUQ Inc. (C.S.N.);

"employee" means an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) who, on 15 December 2000, is in the bargaining unit for which the association is certified or is subsequently included in that bargaining unit; and

"Société" means the Société de transport de la Communauté urbaine de Québec.

DIVISION II

RESUMPTION OF SERVICE

2. Every employee must, as of 05:01 a.m. on 17 December 2000, report for work according to his or her regular work schedule and the other conditions of employment that are applicable to the employee.

3. Every employee must, as of 05:01 a.m. on 17 December 2000, perform all the duties attached to his or her functions, according to the conditions of employment that are applicable to the employee, without any stoppage, slowdown, reduction or alteration of his or her normal activities.

4. The Société, its executives and representatives must, as of 05:01 a.m. on 17 December 2000, take the appropriate measures to ensure that normal public transport service is provided.

5. The association is prohibited from declaring or carrying on a strike or participating in any concerted action if the strike or concerted action involves a contravention of section 2 or section 3 by employees.

Similarly, the Société is prohibited from resorting to a lock-out if it involves such a contravention.

6. The association must, before 05:01 a.m. on 17 December 2000, communicate the content of this Act publicly to the employees and send an attestation of such communication to the Minister of Labour.

7. The association must take the appropriate measures to induce the employees to comply with sections 2 and 3.

8. No person may, by an omission or otherwise, prevent or impede in any manner the resumption of public transport service or the performance of work related to such service by employees, or contribute directly or indirectly to slowing down or delaying the performance of such work.

9. No person may hinder a person's access to a place to which that person has a right of access in order to exercise functions related to public transport service for the Société or in order to obtain such service.

DIVISION III

POWERS OF THE SOCIÉTÉ REGARDING FARES AND CLASSES OF USERS

10. Until a new collective agreement is concluded between the association and the Société or an arbitration award is rendered under section 29, passenger fares shall not exceed the fares in effect on 1 June 2000.

Moreover, the Société shall not, during that period, modify the classes of users determined by the Société as of 1 June 2000.

DIVISION IV

CONDITIONS OF EMPLOYMENT

11. As of 05:01 a.m. on 17 December 2000, the latest collective agreement between the association and the Société, the renewal of which is being negotiated, shall again be binding on the parties until 31 May 2001, notwithstanding the term provided for therein.

However, the increases in wages and premiums dated 27 December 1997, 26 December 1998, 1 January 2000 and 1 January 2001 in the collective agreement shall be determined by the arbitrator appointed under Division VI or by agreement between the parties.

12. The parties may come to an agreement at any time on the content of the new collective agreement, even after the appointment of an arbitrator under Division VI.

DIVISION V

MEDIATION COUNCIL

13. A mediation council, composed of three members, including a chair, appointed by the Minister of Labour after consultation with the association and the Société, is hereby established, to be operational until 31 March 2001.

14. The mandate of the mediation council is to

(1) facilitate the conclusion of a collective agreement between the association and the Société; and

(2) make any proposal to the association and the Société that it considers conducive to improving labour relations and work organization within the enterprise.

15. The mediation council may, of its own initiative or at the request of the Minister of Labour, submit a report to the Minister containing its observations on the situation prevailing between the association and the Société in the area of labour relations and personnel management, and formulate recommendations as part of its mandate.

16. The mediation council has all the powers necessary to carry out its mandate. If it considers it appropriate, the council may meet directly with the employees, the members of the board of directors of the Société and the members of the council of the Communauté urbaine de Québec.

17. Two members of the mediation council form a quorum.

The remuneration and expenses of the members of the mediation council shall be determined by the Minister of Labour. They shall be borne, in equal proportions, by the association and the Société, except the remuneration and the living and travelling expenses of the chair, which shall be borne by the Ministère du Travail.

18. The mediation council may terminate its work at any time and recommend to the Minister that the matter of the negotiation of a collective agreement between the association and the Société be referred to an arbitrator.

DIVISION VI

SETTLEMENT OF DISAGREEMENTS BETWEEN THE ASSOCIATION AND THE SOCIÉTÉ

19. On receipt of a recommendation under section 18 or from 31 March 2001, the Minister of Labour may refer the matter of the negotiation of a collective agreement between the association and the Société to an arbitrator and so notify the parties.

20. Within 10 days of receiving the notice provided for in section 19, the parties must consult as to the choice of an arbitrator; if they come to an agreement, the Minister of Labour shall appoint the person they have chosen. Failing agreement, the Minister shall appoint an arbitrator *ex officio* in accordance with section 77 of the Labour Code.

21. On the fifteenth day following the appointment of an arbitrator, the Société and the association must each transmit a final proposal for a collective agreement to the arbitrator.

The final proposals must specify the increases in wages and premiums dated 27 December 1997, 26 December 1998, 1 January 2000 and 1 January 2001 in the latest collective agreement if the increases have not been determined by agreement between the parties.

22. Before arbitration begins, the arbitrator must deliver a copy of the final proposals to the parties and endeavour to bring the parties to an agreement.

If the parties have not reached an agreement within seven days of receiving the final proposals, the arbitrator must begin arbitration, and shall notify the parties thereof.

23. Section 76, the first paragraph of section 80, sections 81 to 87, 89, 91, 91.1 and 139 to 140 of the Labour Code apply to the arbitration, with the necessary modifications.

24. Within five days of transmission of a notice under section 22, the parties may transmit written observations to the arbitrator.

25. The arbitrator shall proceed with the arbitration on examination of the record. If the arbitrator considers it necessary, a hearing may be held.

26. In choosing between the two final proposals, the arbitrator must take into account the conditions of employment applicable to the other employees of the Société, the conditions of employment and work organization existing in similar transit authorities or in similar circumstances, as well as prevailing and anticipated wage and economic conditions in Québec. The arbitration award shall reproduce the content of the final proposal chosen.

If the arbitrator receives only one final proposal, the arbitration award shall reproduce the content of that proposal.

27. The arbitrator may not amend a final proposal, except to correct an error in writing or in calculation or any other clerical error. The arbitrator may, if necessary, make adjustments to a provision contained in a final proposal to accurately reflect the true intent of the party having made the proposal or to incorporate a provision into the collective agreement.

28. The arbitration award must be rendered within 30 days of the transmission of the notice provided for in section 22.

Where, in the opinion of the Minister of Labour, exceptional circumstances so warrant, the Minister may, at the request of the arbitrator, extend the time as the Minister determines.

29. The arbitration award must be in writing, contain reasons and be signed by the arbitrator.

30. The arbitration award is binding on the parties.

However, the parties may agree to amend all or part of the content of the award.

31. The arbitration award is effective from 1 June 2001 to 31 December 2003, unless the parties agree otherwise before the filing of the final proposals.

32. The Minister of Labour shall determine the remuneration and costs to which the arbitrator is entitled. The remuneration and costs shall be borne in equal proportions by the association and the Société and are deemed to be paid to the arbitrator pursuant to a contractual obligation of the association and the Société.

DIVISION VII

POWER OF INVESTIGATION

33. As soon as the matter of the negotiation of a collective agreement may be referred to an arbitrator, the Minister of Labour may designate a person to investigate the policies and practices within the Société and associations representing members of the personnel of the Société relating to human resource management and work organization and the relationship between the Société, the members of its personnel and those associations.

34. In conducting the investigation, the investigator is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

35. At the request of the Minister of Labour, the investigator designated by the Minister shall report on the progress and results of the investigation. The final report shall be remitted to the Minister, who shall forward a copy to the Société and to each association representing members of its personnel.

DIVISION VIII

SANCTIONS

§1. — *Administrative measures*

36. If the Government is of the opinion that the employees are not complying with section 2 or section 3 in sufficient number to ensure that normal public transport service is provided, the Government may, by order, suspend the union check-off for the functions related to public transport service exercised by the employees in relation to that service.

From the date fixed in the order, the Société is prohibited from withholding any union assessment or dues, contribution or amount in lieu thereof from the wages paid to the employees.

The suspension and prohibition shall be effective for a period equal to 12 weeks per day or part of a day during which, in the opinion of the Government, the employees do not comply with section 2 or section 3 in sufficient number to ensure that regular public transport service is provided.

37. Any employee who contravenes section 2 or section 3 shall receive no remuneration for the contravention period.

In addition, in the case of absence from work or a work stoppage, the wages to be paid to the employee under the applicable collective agreement for work performed after the absence or work stoppage shall be reduced by an amount equal to the wages the employee would have received for each period of absence or work stoppage.

The Société must make the deductions resulting from the application of the second paragraph, up to 20% of the wages per pay period. The Société shall remit the sums deducted to a registered charity within the meaning of the Taxation Act designated by order of the Government.

The employee is only entitled to the reimbursement of the amount deducted if the employee shows that he or she has complied with section 2 or section 3, as the case may be, or that he or she was unable to comply despite having taken every reasonable means to do so, and that the failure to comply was not part of any concerted action.

Any person to whom a decision taken by the Société pursuant to this section is referred for arbitration has authority only to confirm or quash it on the sole basis of the fourth paragraph.

38. An employee who is released to carry on union activities for the association on a day or part of a day during which the association contravenes section 5 shall not be remunerated by the Société for that day or part of day.

In addition, the salary to be paid to the employee after the association's contravention, according to the applicable conditions of employment, shall be reduced by an amount equal to the amount that would have been paid to the employee in the absence of contravention.

If the Société ascertains that an offence has been committed under the first paragraph, it must make the deductions resulting from the application of the second paragraph, up to 20% of the salary per pay period and pay the sums deducted to a registered charity within the meaning of the Taxation Act (R. S. Q., chapter I-3), designated by order of the Government.

An employee who did not participate in the activities of the association that are related to the contravention is entitled to a reimbursement of the deductions made under the second paragraph.

Any disagreement as to the application of this section must be referred to arbitration as if it were a grievance within the meaning of the applicable conditions of employment.

39. If the Société ascertains that the association has declared or carried on a strike in contravention of section 5, the Société must cease to pay, for the period determined under the third paragraph, to any employee released during that period to carry on union activities for the association, after so advising the association, any salary for the time during which the employee is released.

The first paragraph also applies if the Société ascertains that the employees are not complying with section 2 or 3 in sufficient number to ensure that normal public transport service is provided.

The cessation of payment prescribed by this section shall continue for 12 weeks for each day or part of day during which the Société has ascertained the existence of circumstances described in the first or second paragraph.

§2. — *Civil liability*

40. The association is liable for any damage caused by employees during a contravention of section 2 or section 3 unless it is established that the damage is not a result of the contravention or that the contravention is not part of any concerted action.

Any person who suffers damage by reason of an act in contravention of section 2 or section 3 may apply to the competent court to obtain compensation.

Notwithstanding article 1003 of the Code of Civil Procedure (R.S.Q., chapter C-25), if a person brings a class action under Book IX of the Code of Civil Procedure by way of a motion in accordance with the second paragraph of article 1002 of the said Code, the court shall authorize the bringing of the class action if it is of the opinion that the person to whom the court intends to ascribe the status of representative is in a position to adequately represent the members of the group described in the motion.

§3. — *Penal provisions*

41. Every person who contravenes any provision of section 2, 3, 4, 8, 9 or the second paragraph of section 36 is guilty of an offence and liable, for each day or part of a day during which the contravention continues, to a fine of

(1) $100 to $500 in the case of an employee or a natural person not referred to in paragraph 2;

(2) $7,000 to $35,000 in the case of an executive, employee or representative of the association or an executive or representative of the Société;

(3) $25,000 to $125,000 in the case of the association or the Société.

42. If the association contravenes any provision of the first paragraph of section 5, it is guilty of an offence and liable, for each day or part of a day during which the contravention continues, to the fine prescribed in paragraph 3 of section 41. The same applies to the Société if it contravenes the second paragraph of section 5.

43. If the association contravenes any provision of section 6, it is guilty of an offence and liable, for each day or part of a day of delay, to the fine prescribed in paragraph 3 of section 41.

44. If the association contravenes any provision of section 7, it is guilty of an offence and liable, for each day or part of a day that a contravention of section 2 or section 3 continues, to the fine prescribed in paragraph 3 of section 41.

45. Every person who helps or, by encouragement, advice, consent, authorization or command, induces another person to commit an offence under any provision of this Act is guilty of an offence.

A person convicted under this section is liable to the same penalty as that prescribed for the offence the person helped or induced another person to commit.

DIVISION IX

FINAL PROVISIONS

46. The provisions of this Act relating to the collective agreement binding the association and the Société are deemed to form part thereof.

47. The Minister of Labour is responsible for the carrying out of this Act.

48. Division II ceases to have effect on 1 June 2001.

49. This Act comes into force on 15 December 2000.

Regulations and other acts

Gouvernement du Québec

O.C. 15-2001, 11 January 2001

An Act respecting income support, employment assistance and social solidarity
(R.S.Q., c. A-32.001)

Income support
— Amendments

Regulation to amend the Regulation respecting income support

WHEREAS in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001), the Government made the Regulation respecting income support by Order in Council 1011-99 dated 1 September 1999;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting income support was published in Part 2 of the *Gazette officielle du Québec* of 1 November 2000, p. 5239, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Social Solidarity and the Minister of State for Labour and Employment, Minister of Labour and Minister responsible for Employment:

That the Regulation to amend the Regulation respecting income support, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting income support*

An Act respecting income support, employment assistance and social solidarity
(R.S.Q., c. S-32.001, s. 156, par. 31 and s. 160)

1. Section 152 of the Regulation respecting income support is amended by substituting ", 47 and 56" for "and 47" in the first paragraph.

2. The following is substituted for section 153:

"**153.** The measure provided for in section 152 shall cease to apply

(1) in the case of an infringement of any of the provisions of sections 45 and 47, where the adult no longer fails to comply with the instructions given by the Minister or comes to an agreement with the Minister on another activity to be engaged in, in particular as part of an Individualized Plan;

(2) in the case of an infringement of any of the provisions of section 56, where the adult, according to the nature of the infringement, attends an interview at the Minister's request to evaluate the adult's circumstances and comes to an agreement with the Minister to engage in an activity as part of an Individualized Plan, engages in the activity provided for in the Individualized Plan or comes to an agreement on another activity to be engaged in as part of the Individualized Plan.

The measure shall also cease to apply where the adult during one month earns work income, calculated in accordance with section 87, that exceeds the amount excluded for work income under section 88. In the latter

* The Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999 (1999, *G.O.* 2, 2881), was last amended by the Regulations made by Orders in Council 339-2000 dated 22 March 2000 (2000, *G.O.* 2, 1840), 546-2000 dated 3 May 2000 (2000, *G.O.* 2, 2206), 637-2000 dated 24 May 2000 (2000, *G.O.* 2, 2535), 707-2000 dated 7 June 2000 (2000, *G.O.* 2, 2661), 896-2000 dated 13 July 2000 (2000, *G.O.* 2, 3616), 1427-2000 dated 6 December 2000 (2000, *G.O.* 2, 5724) and 1428-2000 dated 6 December 2000 (2000, *G.O.* 2, 5726). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

case, the measure shall cease to apply as of the month following that in which the income was reported to the Minister.".

3. Section 154 is amended by striking out the words "in the event of an infringement of section 45, 47 or 49 of the Act" in paragraph 1.

4. This Regulation comes into force on 1 February 2001.

4063

Draft Regulations

Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Agreement on any program of the Ministère de la Santé et des Services sociaux — Implementation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, the text of which appears below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to extend the protection of the Act respecting occupational health and safety (R.S.Q., c. A-3.001) to persons registered in any program of the Ministère de la Santé et des Services sociaux, listed in Schedule 1.

To that end, it proposes that the Minister of Health and Social Services be considered as the employer of those persons for the purposes of indemnifying them, of paying the assessment established by the Commission de la santé et de la sécurité du travail and of charging the costs of benefits paid by the Commission by reason of an employment injury.

To date, study of the matter has revealed no serious impact on people benefiting from the services provided by the persons registered in any program of the Ministère de la Santé et des Services sociaux, listed in Schedule 1. Assessments to the Commission de la santé et de la sécurité du travail will be paid by the Minister, who shall see that first aid is given to a worker suffering from an employment injury.

Further information may be obtained by contacting Pierre Gingras, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, 2e étage, Montréal (Québec) H3B 3J1; tel. (514) 906-3020, extension 2078, fax: (514) 906-3021.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Juliette Bailly, vice-president for relations with clients and partners, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, 14e étage, Montréal (Québec) H3B 3J1.

TREFFLÉ LACOMBE,
Chairman of the board of directors
and Chief Executive Officer of
the Commission de la santé et de la sécurité du travail

Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux

(R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons who participate in any program of the Ministère de la Santé et des Services sociaux to the extent and on the conditions provided by the agreement entered into by the Minister with the Commission de la santé et de la sécurité du travail attached as Schedule I.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

WHEREAS under section 1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister of Health and Social Services shall have charge of the direction and administration of the Ministère de la Santé et des Services sociaux and of the application of the Acts and regulations respecting health and social services;

WHEREAS under paragraph *h* of section 3 of the same Act, the Minister shall in particular promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS under section 10 of the same Act, the Minister may enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of the application of the Act or another Act within the competence of the Minister;

WHEREAS under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission is a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS the Minister requires that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) be applicable to workers covered by this Agreement and she intends to assume the obligations prescribed for employers;

WHEREAS under section 16 of the Act respecting industrial accidents and occupational diseases, a person doing work under a project of any government, whether or not the person is a worker, may be deemed to be a worker employed by that Government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS under section 16, the second paragraph of section 170 of the Act respecting occupational health and safety applies to the agreement, to wit, that the Commission may, by regulation, put into effect an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

CHAPTER 1.00 ENABLING PROVISION

Enabling provision 1.01 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases.

CHAPTER 2.00 PURPOSES

Purposes 2.01 The purposes of this Agreement is to provide to what extent and on what conditions the Act respecting industrial accidents and occupational diseases is to apply to the workers governed and to determine the respective obligations of the Minister and the Commission.

CHAPTER 3.00 DEFINITIONS

For the purposes of this Agreement,

"service employment paycheque" *(a)* "service employment paycheque" means the method of paying for services provided by a worker, which will be managed by Services de paie Desjardins or any other organization called upon to perform that function;

"Commission" *(b)* "Commission" means the Commission de la santé et de la sécurité du travail established by section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

"employment injury" *(c)* "employment injury" means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation within the meaning of the Act;

"Act" *(d)* "Act" means the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

"Minister" *(e)* "Minister" means the Minister of Health and Social Services;

"worker" *(f)* "worker" means a person who provides services to a user, particularly under the program indicated in Schedule 1, and whose remuneration is paid by means of the service employment paycheque;

"user" *(g)* "user" means a user referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) who uses the services of a worker within the meaning of this Agreement.

CHAPTER 4.00 MINISTER'S OBLIGATIONS

Employer 4.01 The Minister is deemed to be the employer of any worker covered by this Agreement.

Restrictions Notwithstanding the foregoing, the employer-employee relationship shall be recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits under the Act and shall not be deemed to be an admission of a factual situation lending itself to interpretation in other fields of activity.

Exclusions

The workers covered by this Agreement are neither employees, public servants or officers of the Gouvernement du Québec, including the Ministère de la Santé et des Services sociaux, nor of any category of institutions specified in the Act respecting health services and social services or of regional boards established under that Act.

General obligations 4.02 As the employer, the Minister is bound by all the obligations imposed by the Act, with any adaptations required, including the obligation to keep a register of industrial accidents occurring in users' domiciles.

Register of accidents

Notwithstanding the preceding paragraph, in the case of the register referred to therein, the Minister is required to put the register at the disposal of the Commission only.

Information

Upon request by the Commission, the Minister shall send a description of the tasks and activities performed by the worker when the employment injury occurred.

Exceptions 4.03 Notwithstanding section 4.02, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, as well as Chapter VII concerning the right to return to work, are not applicable to the Minister.

First aid

The Minister shall see that first aid is given to a worker suffering from an employment injury, in accordance with sections 190 and 191 of the Act, and pay the related costs.

Payment of assessment 4.04 The Minister undertakes to pay the assessment calculated by the Commission in accordance with the Act and the regulations thereunder, as well as the fixed administration expenses related to each special envelope.

Assessment 4.05 For assessment purposes, the Minister is deemed to pay a salary corresponding to the annual gross employment income paid to the worker by means of the service employment paycheque.

Annual statement 4.06 Each year before 15 March, the Minister shall send the Commission a statement indicating

(1) the amount of annual gross salaries earned by the workers covered by this Agreement during the preceding calendar year; and

(2) an estimate of annual gross salaries that will be paid to the workers covered by this Agreement during the current calendar year.

Register 4.07 The Minister shall keep a detailed register of the workers' names and addresses and, upon request by the Commission, shall provide it with the information it needs for the purposes of this Agreement.

Description of programs 4.08 The Minister shall send the Commission, upon the coming into force of this Agreement, a description of any program appearing in Schedule 1.

New programs or amendment

Any new program or any subsequent amendment to a program appearing in Schedule 1 shall also be sent so as to determine whether it should come or remain under this Agreement.

CHAPTER 5.00 COMMISSION'S OBLIGATIONS

Worker status 5.01 The Commission shall consider a worker covered by this Agreement as a worker within the meaning of the Act.

Indemnity 5.02 A worker suffering from an employment injury is entitled to an income replacement indemnity as of the first day following the day the worker became unable to carry on his employment by reason of the injury.

Payment

Notwithstanding the first paragraph of section 124 of the Act, the Minister shall pay that worker, as of the fifteenth full day following the day the worker became unable to carry on his employment and for all the time of that inability, the income replacement indemnity determined by the Commission, in accordance with the Act.

Advance

Notwithstanding the preceding, should the worker's claim be refused by the Commission, the amount paid by the Minister is an advance with respect to the remuneration paid by means of the service employment paycheque.

Reimbursement 5.03 The Commission shall reimburse the Minister the income replacement indemnity paid by it as of the fifteenth full day following the day the worker became unable to carry on his employment and for all the time of that inability, in accordance with the second paragraph of section 5.02, to the extent that the Commission recognizes the worker's entitlement to the payment of that indemnity.

Financial envelope 5.04 Upon request by the Minister, the Commission shall allocate a specific financial envelope to each program covered by this Agreement.

Program referred to In the case of the program referred to in Schedule 1, it shall be classified in the unit of operation "Housekeeping Services for Edifices or Commercial, Industrial or Residential Buildings" or, following amendments made to that unit of operation after the signing of this Agreement, in a unit corresponding to those activities.

Other programs The Commission may allocate to any new program covered by this Agreement an envelope classified according to the rate of a unit corresponding to the activities included in that new program.

Applicable rate 5.05 The Commission shall fix for the program provided for in the second paragraph of section 5.04 either the specific assessment rate of the unit, or a personalized assessment rate, provided in the latter case that the Minister meets the conditions of the Act and its regulations for each assessment year.

Other programs The foregoing also applies to any new program covered by this Agreement.

Retrospective adjustment The Commission shall also carry out the retrospective adjustment of the annual assessment applicable to the Minister, provided that the Minister meets the conditions of the Act and its regulations for the assessment year.

CHAPTER 6.00 MISCELLANEOUS

Follow-up 6.01 Both the Commission and the Minister shall designate, within 15 days of the coming into force of this Agreement, a person responsible for the follow-up of this Agreement.

Addresses and notices 6.02 Any notice required by this Agreement shall be sent to the Commission or Minister at the following addresses:

(a) Le Secrétaire de la Commission
Commission de la santé et de la sécurité du travail
1199, rue de Bleury, 14e étage
Montréal (Québec) H3C 4E1;

(b) Le Secrétaire du Ministère
Ministère de la Santé et des Services sociaux
1075, chemin Sainte-Foy
Québec (Québec) G1S 2M1.

CHAPTER 7.00 COMING INTO FORCE, TERM AND TERMINATION

Effective date 7.01 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.

Terms It shall remain in force until 31 December 2001.

Tacit renewal 7.02 This Agreement will be renewed tacitly from one calendar year to another, unless one of the parties sends the other a notice by registered or certified mail indicating that it intends to terminate the Agreement or to make amendments thereto, at least 90 days before the Agreement expires.

Amendments 7.03 In the latter case, the notice shall include the amendments that the party intends to make.

Renewal Sending such a notice does not prevent the tacit renewal of this Agreement for one year. If the parties disagree on the amendments to be made, the Agreement shall come to an end, without further notice, at the end of that renewal period.

CHAPTER 8.00 TERMINATION OF THE AGREEMENT

Default 8.01 If the Minister fails to respect any of her obligations, the Commission may ask the Minister to rectify the default within the time set by it. If the situation is not rectified within the prescribed time, the Commission may terminate this Agreement unilaterally, upon written notice.

Date 8.02 The Agreement is then terminated as of the date the written notice is sent.

Financial adjustments 8.03 If the Agreement is terminated, the Commission shall make financial adjustments taking into account the amounts exigible under this Agreement.

Amount due Any amount due following those financial adjustments shall become payable on the expiry date specified on the assessment notice.

Mutual agreement 8.04 The parties may terminate this Agreement at any time if they both agree thereto.

Damages 8.05 If the Agreement is terminated, a party may not be required to pay the other party damages, interest or any other form of compensation or charges.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED

at _____on this _____ day of _____, 2000

_____
PIERRE ROY,
Deputy Minister
Ministère de la Santé et des Services sociaux

at _____ on this _____ day of _____, 2000

_____
TREFFLÉ LACOMBE,
Chairman of the board of directors and Chief Executive Officer
Commission de la santé et de la sécurité du travail

SCHEDULE 1 TO THE AGREEMENT

PROGRAM GOVERNED BY THE AGREEMENT

Direct allowance program for home services.

4055

Treasury Board

Gouvernement du Québec

T.B. 195699, 19 December 2000

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors — Repeal

Regulation respecting the repeal of the Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors

WHEREAS under section 158.8 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the employers and government bodies which, as employers, must pay contributions under the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) and the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12) must also pay, at the same time as they remit their employees' contributions, an amount for the payment of the administrative expenses of the plans;

WHEREAS under that section, the amount shall correspond to a percentage of the contributions that the Government determines by regulation, and may vary from year to year;

WHEREAS in accordance with that section, the Government made the Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors by Order in Council 1402-97 dated 29 October 1997;

WHEREAS under section 1 of that Regulation, that amount shall correspond to 2% of the contributions paid by the employees;

WHEREAS the rate of contribution of the employers referred to in the Government and Public Employees Retirement Plan already includes a portion related to administrative expenses;

WHEREAS the administrative expenses of other plans referred to in section 158.8 of the Act respecting the Government and Public Employees Retirement Plan are relatively low;

WHEREAS for those reasons, it is no longer expedient to require administrative expenses under the Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors;

WHEREAS in accordance with the first paragraph of section 158.13 of the Act respecting the Government and Public Employees Retirement Plan, the pension committees referred to in sections 164 and 173.1 of the Act have been consulted;

WHEREAS under the second paragraph of section 158.13 of that Act, the Regulation may have effect 12 months or less before it is adopted;

WHEREAS in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in that provision;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to repeal the Regulation;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation respecting the repeal of the Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation respecting the repeal of the Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, ss. 158.8 and 158.13)

1. The Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors, made by Order in Council 1402-97 dated 29 October 1997, is repealed.

2. This Regulation comes into force on the date on which it is made by the Conseil du trésor but has effect from 1 January 2000.

4037

Gouvernement du Québec

T.B. 195703, 19 December 2000

An Act respecting the Pension Plan of Certain Teachers
(R.S.Q., c. R-9.1)

Regulation
— Amendments

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers

WHEREAS under paragraph 1.1 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), enacted by section 4 of chapter 32 of the Statutes of 2000, the Government may establish by regulation, for the purposes of section 35.9 of the Act respecting the Pension Plan of Certain Teachers, the limits applicable to a pension amount added under section 35.9 and sections 73.1 and 73.2 of the Act respecting the Government and Public Employees Retirement Plan and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS under section 41.8, the Government shall make the Regulation after consultation by the Commission administrative des régimes de retraite et d'assurances with the Comité de retraite established under section 163 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS the Comité de retraite was consulted;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting with the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, with the exception of certain powers;

WHEREAS the Minister of Finance was consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, attached to this decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

* The Regulation respecting the establishment of the amount that certain employers and government bodies must pay for the payment of administrative expenses of certain pension plans in the public and parapublic sectors, made by Order in Council 1402-97 dated 29 October 1997 (1997, *G.O.* 2, 5445), has not been amended since it was made.

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers*

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1, s. 41.8, par. 1; 2000, c. 32, s. 4)

1. The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers is amended by inserting the following division before section 1:

"**DIVISION 0.I**
LIMITS TO ADDED PENSION AMOUNTS

0.1. For the purposes of section 35.9 of the Act respecting the Pension Plan of Certain Teachers, the sum of the amounts that a person may add to their pension may not exceed the amount "M" which corresponds to "M_1", "M_2" or "M_3", whichever is lowest, calculated as follows:

$M_1 = (F \times N \times 2.0\% \times TM) - CR_{RR}$

$M_2 = F \times N \times (1.1\% \times TM + \$230)$

$M_3 = \text{maximum } [0; (F \times 70\% \times TM) - (CR_{RR} + BR_{SR})]$

0.2. The amount added to the person's pension shall correspond to the sum of the following amounts:

(1) the amount "MO" which corresponds to "MO_1", "MO_2" or "MO_3", whichever is lowest, calculated as follows:

i. $MO_1 = [F \times N \times [(2.0\% \times TM) - (0.7\% \times \text{minimum } (TM; MGA))]] - CR_{RR}$

ii. $MO_2 = F \times N \times 1.1\% \times TM$

iii. $MO_3 = \text{maximum } [0; [F \times [(70\% \times TM) - (NN \times 0.7\% \times \text{minimum } (TM; MGA))]] - (CR_{RR} + BRCO_{SR})]$ where $NN = NA + ((70 - (1.6 \times NA)) /2)$

(2) the difference between the amount "M" determined in section 0.1 and the amount "MO" determined in paragraph 1, if the person is under 65 years of age when the pension becomes payable. That amount shall be paid until the end of the month during which the pensioner reaches 65 years of age.

0.3. For the purposes of sections 0.1 and 0.2:

BR_{SR} represents the pension granted under section 19 of the Act increased by the amounts provided for in section 20 of the Act taking into account any applicable actuarial reduction;

$BRCO_{SR}$ represents BR_{SR} less the amount of the pension reduction applicable from the month following the person's sixty-fifth birthday in accordance with section 24 of the Act;

CR_{RR} represents:

(1) the amount of the pension credit on the date of retirement including the increase referred to in sections 89 and 107.1 of the Act respecting the Government and Public Employees Retirement Plan and takes into account any applicable actuarial reduction;

(2) the amount of the paid-up annuity certificate indicated on the statement of benefits taking into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month included between the date of retirement and the person's sixty-fifth birthday;

(3) the value of the pension credit attributed to the amounts corresponding to the years or parts of years recognized for purposes of eligibility and transferred into a locked-in retirement account (LIRA) calculated as follows:

(balance of the LIRA on the date of designation of the employer in Schedule I to the Act respecting the Government and Public Employees Retirement Plan x (5))

(value of a $10 annual pension credit payable monthly as of age 65 according to Schedule V to the Act and taking into account the age of the employee on the date of designation of the employer in Schedule I to the Act.)

The value attributed to the pension credit shall include the rate of any increase referred to in section 89 of the Act respecting the Government and Public Employees Retirement Plan, between the date of designation of the employer in Schedule I and the date of retirement and taking into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month between the date of retirement and the person's sixty-fifth birthday;

F represents 1 less the percentage of the actuarial reduction applicable to the pension of the person;

* The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers was made by Order in Council 708-94 dated 18 May 1994 (1994, *G.O.* 2, 2046).

MGA represents the average Maximum Pensionable Earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

N represents the number of years or parts of years referred to in the first paragraph of section 35.9 of the Act;

NA represents the number of years giving entitlement to 1.6% of the pensionable salary under section 20 of the Act;

NN represents the number of years necessary to reach the limit provided for in the first paragraph of section 22 of the Act;

TM represents the average pensionable salary determined in accordance with section 9 of the Act.".

2. This Regulation comes into force on the date that it is made.

4038

Gouvernement du Québec

T.B. 195704, 19 December 2000

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 9.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 28 of chapter 32 of the Statutes of 2000, the Government may, by regulation, establish for the purposes of section 73.4 of the Act respecting the Government and Public Employees Retirement Plan, the limits applicable to a pension amount added under sections 73.1 and 73.2 of the Act and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS under the first paragraph of that section, the Government shall make the regulation after consultation by the Commission administrative des régimes de retraite et d'assurances with the Comité de retraite referred to in section 164 of the Act;

WHEREAS the Comité de retraite was consulted;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, with the exception of certain powers;

WHEREAS the Minister of Finance was consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached to this decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan[*]

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 9.1; 2000, c.32, s. 28)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following division after section 12.2:

[*] The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the Regulation made by Order in Council 1400-99 dated 15 December 1999 (1999, *G.O.* 2, 5127). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

"**DIVISION VII.1**
LIMITS TO ADDED PENSION AMOUNTS

12.3 For the purposes of sections 73.1 and 73.2 of the Act, the sum of the amounts that employees may add to their pensions may not exceed the amount "M" which shall correspond to "M_1" or "M_2", whichever is higher, calculated as follows:

$M_1 = (F \times N_L \times 2.0\% \times TM) - CR_{RR}$
$M_2 = F \times N \times (1.1\% \times TM + \$230)$

12.4 The amount added to an employee's pension shall correspond to the sum of the following amounts:

(1) the amount "MO" which corresponds to "MO_1" or "MO_2", whichever is lower, calculated as follows:

i. $MO_1 = [F \times N_L \times [(2.0\% \times TM) – (0.7\% \times (TM \text{ or } MGA, \text{ whichever is lower}))]] - CR_{RR}$

ii. $MO_2 = F \times N \times 1.1\% \times TM$

(2) an amount equal to the difference between the amount "M" determined in section 12.3 and the amount "MO" determined in subparagraph 1 of this paragraph, if the employee is under 65 years of age when the pension becomes payable. The amount is paid until the end of the month in which the pensioner reaches 65 years of age.

12.5. For the purposes of sections 12.3 and 12.4:

CR_{RR} represents:

(1) the amount of the pension credit on the date of retirement including the increase referred to in sections 89 and 107.1 of the Act and takes into account any applicable actuarial reduction;

(2) the amount of the paid-up annuity certificate indicated on the statement of benefits taking into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month included between the date of retirement and the employee's sixty-fifth birthday;

(3) the value of the pension credit attributed to the amounts corresponding to the years or parts of years recognized for purposes of eligibility and transferred into a locked-in retirement account (LIRA) calculated as follows:

(balance of the LIRA on the date of designation of the employer in Schedule I to the Act x (5))

(value of a $10 annual pension credit payable monthly as of age 65 according to Schedule V to the Act and taking into account the age of the employee on the date of designation of the employer in Schedule I to the Act.)

The value attributed to the pension credit shall include the rate of any increase referred to in section 89 of the Act, between the date of designation of the employer in Schedule I and the date of retirement and taking into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month between the date of retirement and the person's sixty-fifty birthday;

F represents 1 less the percentage of the actuarial reduction applicable to the pension of the employee;

MGA represents the average Maximum Pensionable Earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

N represents the number of years or parts of years referred to in paragraphs 1 to 3 of section 73.1 of the Act;

N_L represents the minimum between N and 35 less the number of years of service credited to the plan;

TM represents the average pensionable salary determined in accordance with section 36 and, if applicable, section 215.0.0.7 of the Act.".

2. This Regulation comes into force on the date that it is made and has effect as of 1 January 2000.

4039

Gouvernement du Québec

T.B. 195705, 19 December 2000

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12)

Supplementary benefits plan

CONCERNING Supplementary benefits plan in respect of civil servants

WHEREAS under the first paragraph of section 111.2 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), enacted by section 79 of chapter 32 of the Statutes of 2000, the Government may, with respect to participants, establish a plan which provides for supplementary benefits as minimum benefits granted to the beneficiary of a pension and as benefits for physical or mental disability within the meaning of the supplementary benefits plan;

WHEREAS under the fourth paragraph of section 111.2, an order under the first paragraph of that section may have effect up to 12 months before the date on which it is made;

WHEREAS under section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise all the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to make the Supplementary benefits plan;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Supplementary benefits plan in respect of civil servants, attached hereto, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Supplementary benefits plan in respect of civil servants

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 111.2; 2000, c. 32, s. 79)

DIVISION I
MINIMUM BENEFITS GRANTED TO THE BENEFICIARY OF A PENSION

1. Where a pension granted under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), after 10 years of credited service, except a pension granted to a child and those provided for in section 83 of the Act, is lower than the benefit calculated in accordance with section 2 of this Plan, a benefit, equal to the amount by which the benefit set out in section 2 exceeds that which would have been paid under the Civil Service Superannuation Plan, shall be paid.

2. For the purposes of section 1, the amount of the benefit dated 1 January 2000 shall be equal to $5221. 40. For each year in question after that date and until the year where the pension has become payable, the benefit is indexed at the time prescribed by section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) by the rate of increase in the pension index and, for following years, indexed as provided in section 64 of the Act respecting the Civil Service Superannuation Plan, reduced in accordance with section 63.3 or paragraph 1 of the first paragraph of section 76 of that Act, as the case may be, even if no pension under the Act respecting the Québec Pension Plan is paid.

Notwithstanding the foregoing, the calculation applies only with respect to that part of the pension established under subparagraph 1 of the first paragraph of section 63 of the Act respecting the Civil Service Superannuation Plan and the amount provided for in the first paragraph is multiplied by the fraction of the number of years of service credited before 1 January 1992 over the total number of years of credited service.

DIVISION II
BENEFITS FOR PHYSICAL OR MENTAL DISABILITY

3. A benefit is paid to a civil servant who is physically or mentally disabled and who does not receive a disability pension in accordance with subparagraph 3 of the first paragraph of section 56 of the Act respecting the Civil Service Superannuation Plan. That supplementary benefit shall be equal to the amount by which the pension which would have been paid if he had been entitled to a pension under that subparagraph exceeds the pension to which he is entitled under the Civil Service Superannuation Plan.

4. For the purposes of section 3, a civil servant is physically or mentally disabled if he suffers from a serious, prolonged pathological condition.

A pathological condition is serious if it makes the civil servant totally incapable of performing the work required by the position he occupied for an extended period of time.

A pathological condition is prolonged if it is to last indefinitely, that is, if it is unlikely that a cure is possible in the present state of medical knowledge.

5. The benefit provided for in section 3 is payable until the end of the disability.

DIVISION III
MISCELLANEOUS AND FINAL

6. The applicable provisions of the Act, except those that are inconsistent, shall apply in respect of a civil servant who receives a benefit referred to in section 1 or 3 or, as the case may be, of the spouse or child of that civil servant, as if that benefit was granted under the Act. Notwithstanding the foregoing, that benefit shall be paid under this Plan.

7. The Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan, made by Decision of the Conseil du trésor T.B. 176507 (1991, *G.O.* 2, 1327) shall apply in respect of the benefits provided for in this Plan, *mutatis mutandis*.

8. This Plan comes into force on the date it is made by the Government and has effect from 1 January 2000.

4040

Gouvernement du Québec

T.B. 195706, 19 December 2000

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11)

Teachers Supplementary Pension Plan

WHEREAS under the first paragraph of section 75.1 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), enacted by section 64 of chapter 32 of the Statutes of 2000, the Government may, with respect to participants, establish a plan which provides for supplementary benefits as minimum benefits granted to the beneficiary of a pension and as benefits for physical or mental disability, within the meaning of the supplementary benefits plan;

WHEREAS under the fourth paragraph of section 75.1, an order under the first paragraph of that section may have effect up to 12 months before the date on which it is made;

WHEREAS under section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance was consulted;

WHEREAS it is expedient to make the supplementary benefits plan;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Teachers Supplementary Pension Plan, attached hereto, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Teachers Supplementary Pension Plan

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11, s. 75.1; 2000, c. 32, s. 64)

DIVISION I
MINIMUM BENEFITS GRANTED TO THE BENEFICIARY OF A PENSION

1. Where a pension granted under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), after ten years of credited service, except that granted to a child and those provided for in sections 50 and 53 of the Act, is less than the benefit calculated in accordance with section 2 of this Plan, the beneficiary shall be paid a benefit equal to the difference between the benefit fixed in section 2 and that which would have been paid under the Teachers Pension Plan.

2. For the purposes of section 1, the amount of the benefit on 1 January 2000 shall be $5221.40. For each applicable year after that date and until the year when the pension becomes payable, the benefit shall be indexed at the time prescribed by section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) by the rate of increase in the Pension Index determined by that Act and, for the following years, it shall be indexed in the manner provided for in section 63 of the Act respecting the Teachers Pension Plan, reduced in accordance with section 38 or subparagraph 1 of the first paragraph of section 44 or paragraph 1 of section 45 of the Act, as the case may be, even if no pension was paid under the Act respecting the Québec Pension Plan.

Notwithstanding the foregoing, the calculation applies only to the part of the pension established pursuant to subparagraph 1 of the first paragraph of section 34 of the Act respecting the Teachers Pension Plan and the amount provided for in the first paragraph is multiplied by the fraction represented by the number of years of service credited before 1 January 1992 over the aggregate of years of service credited.

DIVISION II
BENEFITS FOR PHYSICAL OR MENTAL DISABILITY

3. A benefit shall be paid to a teacher with a physical or mental disability who does not receive a disability pension in accordance with subparagraph 6 of the first paragraph of section 32 of the Act respecting the Teachers Pension Plan. That supplementary benefit shall be equal to the difference between the pension that would have been payable if the teacher was entitled to a pension under that subparagraph and the pension to which the teacher is entitled under the Teachers Pension Plan.

4. For the purposes of section 3, a teacher has a physical or mental disability if that teacher suffers from a severe and prolonged medical condition.

A medical condition is severe if by reason thereof the teacher is totally incapable of performing the work required by his or her position for an extended period of time.

A medical condition is prolonged if it is expected to last indefinitely, that is, if it is unlikely that a cure is possible in the current state of medical knowledge.

5. The benefit provided for in section 3 shall be payable until the teacher is no longer disabled.

DIVISION III
MISCELLANEOUS AND FINAL

6. The relevant provisions of the Act, except those that are inconsistent, shall apply to a teacher who receives a benefit referred to in section 1 or 3, or, as the case may be, to the teacher's spouse or child, as if those benefits were granted under the Act. Notwithstanding the foregoing, those benefits shall be paid under this Plan.

7. The Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan provided for under the Act respecting the Teachers Pension Plan, made by decision of the Conseil du trésor T.B. 176506 (1991, *G.O.* 2, 1334), shall apply *mutatis mutandis* to the benefits provided for by this Plan.

8. This Plan comes into force on the date on which it is made by the Government and has effect as of 1 January 2000.

4041

Gouvernement du Québec

T.B. 195744, 21 December 2000

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Government and Public Employees Retirement Plan
— Amendments to Schedules I et II.1 to the Act

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under section 16.1 of the Act, the plan applies to an employee who is released with or without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that Schedule in respect of that body;

WHEREAS under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

WHEREAS in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers set out in that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Association des enseignants de l'ouest du Québec and the Syndicat de l'enseignement de la Haute Côte Nord meet those conditions;

WHEREAS it is expedient to amend Order in Council 965-2000 dated 16 August 2000 with respect to the date on which employees of the Syndicat de l'enseignement de l'Outaouais become covered by the Government and Public Employees Retirement Plan;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached to this decision, be made;

THAT Order in Council 965-2000 dated 16 August 2000 be amended so as to substitute 16 August 1999 for the date of taking of effect provided for in that Order in Council in respect of the Syndicat de l'enseignement de l'Outaouais.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in alphabetical order in paragraph 1:

(1) the Association des enseignants de l'ouest du Québec;

(2) the Syndicat de l'enseignement de la Haute Côte Nord.

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting "the Association des enseignants de l'ouest du Québec" in alphabetical order.

3. This Decision comes into force on the date it is made by the Conseil du trésor but takes effect on the dates indicated below in respect of each body:

(1) Association des enseignants de l'ouest du Québec	14 August 2000;
(2) Syndicat de l'enseignement de la Haute Côte Nord	12 months before the date on which this decision is made.

4042

Gouvernement du Québec

T.B. 195745, 21 December 2000

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Government and Public Employees Retirement Plan
— Application of Title IV.2 of the Act
— Amendments

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under paragraph 1 of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, determine the manner in which a person's pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person's conditions of employment, in particular within the scope of measures concerning alternative work schedules or the granting of leave without pay to reduce certain costs arising from the conditions of employment;

WHEREAS, under the first paragraph of section 215.17 of the Act, Government regulations under Title IV.2 shall be made after the Commission administrative des régimes de retraite et d'assurances has consulted with the pension committees referred to in sections 164 and 173.1 of the Act at least 30 days before they are adopted;

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec to 1 April 1999, by Orders in Council 467-99 dated 28 April 1999 (1999, *G.O.* 2, 1161), 633-99 dated 9 June 1999 (1999, *G.O.* 2, 1633), 819-99 dated 7 July 1999 (1999, *G.O.* 2, 2060), 902-99 dated 11 August 1999 (1999, *G.O.* 2, 2791), 1398-99 dated 15 December 1999 (1999, *G.O.* 2, 5125),1399-99 dated 15 December 1999(1999, *G.O.* 2, 5126), 166-2000 dated 1 March 2000 (2000, *G.O.* 2, 1290), 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 5031) and 1168-2000 dated 4 October 2000 (2000, *G.O.* 2, 5151) as well as by sections 54 of chapter 11 of the Statutes of 1999, 54 of chapter 34 of the Statutes of 1999, 14 of chapter 73 of the Statutes of 1999 and 48 of chapter 32 of the Statutes of 2000.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan was amended, since the last updating of the Revised Statutes of Québec to 1 April 1999, by Orders in Council 467-99 dated 28 April 1999 (1999, *G.O.* 2, 1161), 633-99 dated 9 June 1999 (1999, *G.O.* 2, 1633), 819-99 dated 7 July 1999 (1999, *G.O.* 2, 2060), 947-99 dated 25 August 1999 (1999, *G.O.* 2, 2853), 1251-99 dated 17 November 1999 (1999, *G.O.* 2, 4381), 1398-99 dated 15 December 1999 (1999, *G.O.* 2, 5125), 166-2000 dated 1 March 2000 (2000, *G.O.* 2, 1290), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406) and 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 5031) and by section 49 of chapter 32 of the Statutes of 2000.

WHEREAS, under the second paragraph of that section (1996, c. 53, s. 45), those regulations may have effect 12 months or less before they are adopted;

WHEREAS the pension committees have been consulted in accordance with the Act;

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan by Order in Council 690-96 dated 12 June 1996, as amended;

WHEREAS, under section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to amend the Regulation;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 215.13, par. 1 and s. 215.17; 1996, c. 53, s. 45)

1. Section 4.1 of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan is amended by substituting " , 1997-1998, 1999-2000, 2000-2001 and 2001-2002" for "and 1997-1998".

2. This Regulation comes into force on the date it is made by the Government but has effect from 1 January 2000.

4043

* The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996 (1996, *G.O.* 2, 2759), was last amended by the Regulation made by Order in Council 964-2000 dated 16 August 2000 (2000, *G.O.* 2, 4404). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

Municipal Affairs

Gouvernement du Québec

O.C. 2-2001, 11 January 2001

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Municipalité de Port-Daniel and Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons

WHEREAS each of the municipal councils of Municipalité de Port-Daniel and Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objections were sent to the Minister of Municipal Affairs and Greater Montréal, and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of Municipalité de Port-Daniel and Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons be constituted, under the following conditions:

1. The name of the new municipality shall be "Municipalité de Port-Daniel-Gascons".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 7 September 2000; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality will be part of Municipalité régionale de comté du Rocher-Percé.

5. A provisional council shall hold office until the majority of the candidates elected at the first general election take office. It shall be composed of all the members of the two existing councils upon the date of coming into force of this Order in Council. The quorum shall be half the members in office plus one.

The mayor of the former Municipalité de Port-Daniel and the mayor of the former Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons will respectively act as the mayor and deputy mayor of the new municipality until the last day of half the period between the date of the first sitting of the council and the day of the first general election, then the roles shall be reversed until the mayor elected in the first general election takes office. Until that time, they will continue to sit on the council of Municipalité régionale de comté du Rocher-Percé and they will have the same number of votes as before the coming into force of this Order in Council.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held in the community hall of Maison Legrand, located in the territory of the former Municipalité de Port-Daniel.

7. The first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council. If that fourth month is April or May, the first general election shall be postponed to the first Sunday of June. The second general election shall be held in 2004.

8. For the purposes of the first general election, the territory of the new municipality shall be divided into six electoral districts.

9. Thérèse Chapados will act as the first secretary-treasurer of the new municipality and Chantal Vignet will be the assistant secretary-treasurer.

10. Any budget adopted by the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality and the expenditures and revenues shall be accounted for separately as if the former municipalities continued to exist.

Notwithstanding the foregoing, the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) will remain for the benefit of the ratepayers of the new municipality.

11. The terms and conditions for the allocation of expenditures for shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

12. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the amounts available in the working fund of the former Municipalité de Port-Daniel shall be added to the surplus accumulated on behalf of that former municipality.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used for the benefit of the ratepayers of the former municipality that accumulated it; it may be used to carry out works in the sector made up of the territory of the former municipality that accumulated it.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality that accumulated it.

15. All debts incurred by a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

16. For the first full fiscal year of the new municipality, the council of the new municipality shall adopt a by-law establishing a compensation rate for water and sewers which shall differ for the users of each sector made up of the territory of the former municipalities. The rate shall be established on the basis of the annual disbursements made by the new municipality in respect of each sector and it shall be different until the networks are merged.

17. The new municipality shall succeed to the rights, obligations and responsibilities of the former municipalities. It shall become, without discontinuance of suit, a party to any proceedings, in the place and stead of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of the former municipalities shall remain in force in the territory for which they were made until they are amended, cancelled or revoked and insofar as they are compatible with this Order in Council.

18. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

Notwithstanding the foregoing, if property is sold within the five years following the coming into force of this Order in Council, the product of the sale shall be used for the same purposes as the surplus accumulated on behalf of the former municipality that used to have the property.

19. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall remain charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that former municipality.

20. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable in its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

21. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Port-Daniel-Gascons".

That municipal bureau shall succeed to the municipal housing bureau of the former Municipalité de Port-

Daniel, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new Municipalité de Port-Daniel-Gascons as if it had been incorporated by letters patent under section 57 of that Act, also amended by that section 273.

The members of the office shall be the members of the municipal housing bureau in office upon the coming into force of this Order in Council.

22. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec.*

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ DE PORT-DANIEL-GASCONS, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU ROCHER-PERCÉ

The current territory of Municipalité de Port-Daniel and of Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons, in Municipalité régionale de comté du Rocher-Percé, comprising in reference to the cadastre of the Canton de Port-Daniel, the lots or parts thereof, the blocks or parts thereof and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole included within the boundaries described hereinafter, namely: starting from the apex of the northern angle of lot 1224; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of the cadastre of Canton de Port-Daniel, that line crossing lakes Pabos and à la Truite, Route 132 and the right-of-way of a railroad (lot 1225) that it meets; in a general westerly direction, the north shore of Chaleur Bay to the dividing line between lots 310 and 311; in Chaleur Bay, southerly, a straight line to the point 2.5 km to the east of the eastern end of lot 80 (Pointe du Sud-Ouest), measured following an eastern astronomical direction; in the said Bay, southwesterly, a straight line to the point located on the extension of the southwestern line of the cadastre of Canton de Port-Daniel, 2 km from the northwestern shore of the said bay, measured following the said extension; northwesterly, the said extension and the southwestern line of the cadastre of the said township, that line crossing Route 132, the right-of-way of a railroad (lot 1225), Benwell, Walker and Fitzgerald routes, Chemin du Canton and Petite rivière Port-Daniel that it meets; finally, northeasterly, the northwestern line of the cadastre of Canton de Port-Daniel to the starting point, that line crossing Rivière Port-Daniel and Ruisseau des Pins that it meets.

The said limits define the territory of Municipalité de Port-Daniel-Gascons, in Municipalité régionale de comté du Rocher-Percé.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 7 September 2000

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified