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Summary

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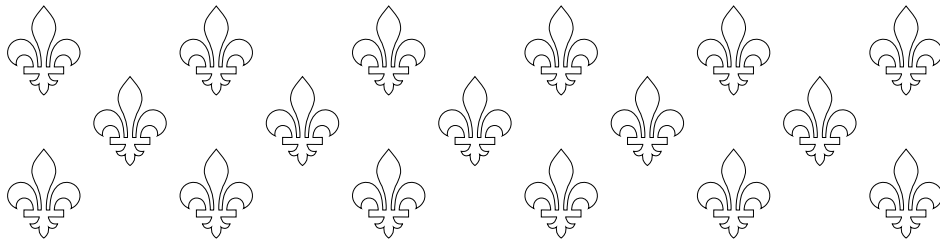
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 72
(2004, chapter 37)

An Act to amend the Securities Act and other legislative provisions

Introduced 11 November 2004
Passage in principle 3 December 2004
Passage 16 December 2004
Assented to 17 December 2004

**Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Securities Act to establish a process of mutual recognition between Québec and the other Canadian provinces and territories regarding securities regulation. To that end, it introduces provisions enabling the Government to make an agreement with the Government of another province or a territory so that their respective powers may be recognized in the other province or the territory.

The bill provides for the implementation of a compliance program and the designation of a compliance supervisor. The content of the program and the conditions applicable to the compliance supervisor are to be determined by regulation of the Agency. The bill includes amendments authorizing the Agency to share in a national database and to communicate information for that purpose. It also authorizes the communication of confidential information in order to give effect to measures concerning the repression of tax-related economic and financial crime that were announced in the Budget Speech delivered on 30 March 2004.

As well, the bill makes amendments to the Securities Act concerning the establishment of exemptions. It amends several other related Acts, including the Act respecting the Agence nationale d'encadrement du secteur financier, the Act respecting the distribution of financial products and services and the Real Estate Brokerage Act. Included in the proposed changes are provisions to replace the name of the Agence nationale d'encadrement du secteur financier by "Autorité des marchés financiers" and new rules concerning the administrative organization of the Chambre de l'assurance de dommages and the Chambre de la sécurité financière.

The Act respecting trust companies and savings companies is also amended to allow companies governed by the Act to continue under the Trust and Loan Companies Act. The Real Estate Brokerage Act is further amended to allow the establishment of a liability insurance fund for real estate brokers and agents.

Lastly, the bill repeals the Act respecting certain investments of insurance companies and contains consequential amendments to several Acts as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the Agence nationale d’encadrement du secteur financier (R.S.Q., chapter A-7.03);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Deposit Insurance Act (R.S.Q., chapter A-26);
- Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the caisses d’entraide économique (R.S.Q., chapter C-3);
- Act respecting certain caisses d’entraide économique (R.S.Q., chapter C-3.1);
- Act constituting Capital régional et coopératif Desjardins (R.S.Q., chapter C-6.1);
- Act respecting international financial centres (R.S.Q., chapter C-8.3);
- Cinema Act (R.S.Q., chapter C-18.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Professional Code (R.S.Q., chapter C-26);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Companies Act (R.S.Q., chapter C-38);
- Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);
- Act respecting the Conservatoire de musique et d’art dramatique du Québec (R.S.Q., chapter C-62.1);
- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);

- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);
- Act respecting Nasdaq stock exchange activities in Québec (R.S.Q., chapter E-20.01);
- Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (R.S.Q., chapter F-3.1.2);
- Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (R.S.Q., chapter I-8.01);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Public Protector Act (R.S.Q., chapter P-32);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting the entreprise registrar (R.S.Q., chapter R-17.1);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

- Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1);
- Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Professional Syndicates Act (R.S.Q., chapter S-40);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Securities Act (R.S.Q., chapter V-1.1);
- Act respecting the Mouvement Desjardins (2000, chapter 77).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting certain investments of insurance companies (1973, chapter 68).

Bill 72

AN ACT TO AMEND THE SECURITIES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Securities Act (R.S.Q., chapter V-1.1) is amended

(1) by replacing “of a Canadian province” in paragraph 1 by “of a Canadian province or territory”;

(2) by striking out paragraph 2;

(3) by replacing paragraph 12 by the following paragraph:

“(12) a share in an investment club defined by regulation;”;

(4) by inserting the following paragraph after paragraph 15:

“(15.1) any other form of investment prescribed by regulation.”

2. Section 4 of the said Act is amended by replacing “of any Canadian province” in the first paragraph by “of any Canadian province or territory” and “Agency” in that paragraph by “Autorité des marchés financiers”.

3. Section 5 of the said Act, amended by section 5 of chapter 38 of the statutes of 2001, is again amended

(1) by striking out the definition of “investment club”;

(2) by replacing “under sections 43 to 56” in paragraph 3 of the definition of “distribution” by “for in section 43 or in a regulation”;

(3) by inserting the following paragraph after paragraph 4 of the definition of “distribution”:

“(4.1) the endeavour to obtain or the obtaining of purchasers for securities acquired from a company whose constituting documents provide for restrictions on the free transfer of shares, prohibit the distribution of securities to the public and limit the number of shareholders to 50, exclusive of present or former employees of the company or a subsidiary, by a subscriber or purchaser of such securities;”;

(4) by replacing paragraph 6 of the definition of “distribution” by the following paragraph:

“(6) the endeavour to obtain or the obtaining of purchasers for securities, not previously the subject of a prospectus, of a company whose constituting documents provided for restrictions on the free transfer of shares, prohibited the distribution of securities to the public and limited the number of shareholders to 50, exclusive of present or former employees of the company or a subsidiary;”;

(5) by replacing paragraph 9 of the definition of “distribution” by the following paragraph:

“(9) the disposal, by a person or group of persons having control of an issuer or holding more than a determined portion of an issuer’s securities, of the securities held by that person or group or a determined portion of them according to the portion and in the manner prescribed by regulation;”;

(6) by replacing the definition of “closed company” by the following definition:

““closed company”, for the purposes of paragraph 5 of section 141 of the Charter of the French language (chapter C-11), means a company, other than a mutual fund, that is not a reporting issuer and that meets the conditions determined by regulation;”.

4. Section 40.1 of the said Act is amended

(1) by replacing “Agency” by “Authority”;

(2) by inserting “, risk acknowledgment form prescribed by regulation” after “regulations”.

5. Section 41 of the said Act is amended

(1) by replacing “of a Canadian province” in paragraph 1 by “of a Canadian province or territory”;

(2) by replacing “a regional board within the meaning of the Act respecting health services and social services (chapter S-4.2)” in subparagraph *c* of paragraph 2 by “an agency within the meaning of the Act respecting local health and social services network development agencies (chapter A-8.1)”.

6. Section 42 of the said Act is amended

(1) by inserting “or territory” after “province” in paragraph 1;

(2) by replacing “or a Canadian province” in paragraph 2 by “or of a Canadian province or territory”.

7. Section 43 of the said Act is replaced by the following section:

“43. No prospectus is required where a distribution of securities is made to an accredited investor determined by regulation and the distribution meets the conditions prescribed by regulation.

Likewise, no prospectus is required where a distribution of securities is made to the Gouvernement du Québec, its departments or mandataries of the State, to the Government of Canada or the government of a Canadian province or territory, or to any of their departments or mandataries.”

8. Sections 44 to 63 of the said Act are repealed.

9. Section 68 of the said Act is amended

(1) by replacing “, having made a distribution of securities to the public;” in the first paragraph by “has made a distribution of securities to the public; a reporting issuer”;

(2) by inserting the following subparagraphs after subparagraph 6 of the second paragraph:

“(7) it is so determined by regulation;

“(8) it is so designated by the Authority in accordance with criteria determined by regulation.”;

(3) by replacing “Agency” wherever it appears by “Authority”.

10. Section 68.1 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by striking out “in the other province” in the second paragraph;

(3) by replacing “in virtue of sections 58 to 61” in the third paragraph by “prescribed by regulation”;

(4) by inserting “or a territory” after “another province” in the third paragraph.

11. Section 80.1 of the said Act is repealed.

12. Section 147.21 of the said Act is amended by striking out “where”, by inserting “where” at the beginning of paragraphs 1 and 2, and by replacing paragraph 3 by the following paragraph:

“(3) in any other case prescribed by regulation.”

13. Sections 155.1 to 157 of the said Act are repealed.

14. Section 159 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by inserting “and within the time” after “cases” in the first paragraph, and by striking out “within 10 days” in that paragraph.

15. The said Act is amended by inserting the following sections after section 160.1:

“**160.2.** Dealers and advisers shall ensure that their senior executives, representatives and employees act in compliance with this Act and the regulations.

“**160.3.** Dealers and advisers shall set up a compliance program and designate a senior executive, or a person holding a management position under a senior executive’s authority, to supervise enforcement of the program.

The content of the program, the mandate and powers of the compliance supervisor and the measures to ensure the compliance supervisor’s independence are determined by regulation of the Authority.”

16. Section 168.1.3 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by adding the following sentence at the end of the third paragraph: “It may also retain the services of a natural person to act as a mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body or a legal person.”

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

“**171.1.** Sections 74 to 79 and 81 to 91 of the Act respecting the Autorité des marchés financiers apply, with the necessary modifications, to legal persons, partnerships and other entities referred to in sections 169 to 171.

Section 80 of the Act respecting the Autorité des marchés financiers applies to legal persons, partnerships and other entities referred to in section 171.”

18. Section 204 of the said Act is amended by replacing “\$1 000 000” wherever it appears in the first paragraph by “\$5,000,000”.

19. Section 213 of the said Act is amended by inserting “or a territory” after “another province” in the first paragraph, and “or territory” after “that province” in that paragraph.

20. Section 229 of the said Act is amended by replacing “holders of shares” in the first paragraph by “persons entitled to the action”.

21. Section 237 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) a body, a person or any other participant referred to in section 151.1.1.”

22. The heading of Chapter III of Title IX of the said Act is amended by replacing “THE AGENCY” by “THE AUTHORITY AND THE BUREAU DE DÉCISION ET DE RÉVISION EN VALEURS MOBILIÈRES”.

23. Section 273.1 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by replacing “under sections 43 to 56” in the first paragraph by “under section 43 or a regulation”;

(3) by replacing “person” at the end of the second paragraph by “senior executive or insider”.

24. The said Act is amended by inserting the following section after section 274:

“**274.1.** The Authority may impose an administrative monetary penalty for a contravention of or failure to comply with a provision of Title III, except the first paragraph of section 73, in the cases, on the conditions and in the amounts prescribed by regulation.”

25. Section 283 of the said Act is amended by replacing “Agency” by “Authority”, and “or any person exercising a delegated power” by “, a person or body exercising a delegated power or a power referred to in sections 308.1 and 308.2”.

26. Sections 284 to 286 of the said Act are replaced by the following section:

“**284.** Except on a question of jurisdiction, no recourse provided under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary

recourse within the meaning of that Code may be exercised, or any injunction granted against the Authority, the members of its personnel, a person or body exercising a delegated power or a power referred to in sections 308.1 and 308.2 or its agents acting in their official capacity.

A judge of the Court of Appeal may, on a motion, summarily annul any decision, order or injunction issued or granted contrary to the first paragraph.”

27. Section 297.1 of the said Act is amended

(1) by replacing “The Agency may communicate” in the first paragraph by “The Authority may communicate any information, including”;

(2) by replacing “The Agency may also communicate personal information” in the second paragraph by “The Authority may also communicate any information, including personal information,” and by inserting “, including for the purposes of a common database containing personal information” at the end of that paragraph;

(3) by inserting the following paragraphs after the second paragraph:

“Likewise, the Authority may communicate any information, including personal information, without the consent of the person concerned, to a police force if there is reasonable cause to believe that the person has committed or is about to commit a criminal or penal offence against an Act applicable in or outside Québec with respect to the Authority or one of its employees or relating to a securities provision and the information is required for the related investigation.

The Authority may also communicate any information, including personal information, to the Minister of Revenue, without the consent of the person concerned, if there is reasonable cause to believe that the person has committed or is about to commit an offence under this Act that may have an impact on the administration or enforcement of a fiscal law.”

28. The said Act is amended by inserting the following sections after section 297.1:

“297.2. In a case not provided for in section 297.1, with the authorization of a judge of the Court of Québec, the Authority may communicate any information, including personal information, without the consent of the person concerned, to a member of a police force.

The application for authorization must be made in writing and contain a sworn statement that there is reasonable cause to believe the information may serve to prevent, detect or repress the commission of an indictable offence against an Act applicable in or outside Québec.

The application and the record pertaining to the hearing are confidential. The clerk of the Court of Québec shall take the necessary measures to preserve their confidentiality.

The judge to whom the application for authorization is made shall hear the application *ex parte* and *in camera*. The judge may make any order to preserve the confidentiality of the application, the record and the personal information. The record shall be sealed and kept in a place inaccessible to the public.

“297.3. The Authority may communicate any information, including personal information, without the consent of the person concerned, to a person or body pursuant to an agreement or treaty entered into under an Act.

“297.4. The Authority may, in accordance with section 68 of the Act respecting Access to documents held by public bodies and the Protection of personal information, enter into an agreement with a department or a body for the communication of personal information to facilitate the administration or enforcement of securities and fiscal legislation and penal or criminal legislation.

“297.5. Sections 297.1 to 297.4 apply, with the necessary modifications, to any information, including personal information, relating to a securities representative or a securities firm acting through such a representative referred to in the Act respecting the distribution of financial products and services.

“297.6. Sections 297.1 to 297.5 apply despite sections 23 and 24 and subparagraphs 5 and 9 of the first paragraph of section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information, and sections 297.1, 297.2 and 297.5 apply despite section 59 of that Act.”

29. The heading of Chapter II of Title X of the said Act is replaced by the following heading:

“DELEGATION OF POWERS AND MUTUAL RECOGNITION”.

30. Section 306 of the said Act is amended by replacing “conferred on the Agency by this Act” by “conferred on the Authority or the Bureau de décision et de révision en valeurs mobilières by this Act, the provisions of the Act respecting the distribution of financial products and services relating to securities firms and representatives or the provisions of the Act respecting the Autorité des marchés financiers relating to the board”.

31. Section 308 of the said Act is amended

(1) by replacing “Agency” by “Authority”;

(2) by replacing “only delegate to a superintendent the powers to review its decisions, to order an investigation under section 239, to institute court proceedings under this Act in the name of the Agency and to render a decision

pursuant to Title VI” by “delegate the power to review its decisions, to order an investigation under section 239, to institute court proceedings under this Act in the name of the Authority or to render a decision pursuant to Title VI only to a superintendent or to another senior executive reporting directly to the president and director general of the Authority”.

32. The said Act is amended by inserting the following sections after section 308:

“308.1. The Government may, according to law, make an agreement with the government of another province or territory to allow, in the areas specifically listed in the agreement, the powers of an authority of that province or that territory in the securities sectors governed by this Act, the Act respecting the distribution of financial products and services as it concerns securities firms or representatives or the Act respecting the Autorité des marchés financiers to be recognized in Québec with respect to persons or bodies subject to such powers.

The agreement shall also provide for reciprocity, allowing the powers of a Québec authority, in the same areas and sectors and with respect to persons or bodies subject to such powers, to be recognized in that other province or that territory.

“308.2. Section 308.1 allows the parties to stipulate in the agreement, in the areas listed in the agreement,

(1) that the acts or decisions of an authority having jurisdiction in a province or territory are recognized in the other province or territory;

(2) that the powers exercised or the decisions made in a province or territory are presumed or deemed, as the case may be, to have been exercised or made in the other province or territory; and

(3) that the persons or bodies having fulfilled certain obligations in a province or territory are exempted from fulfilling them in the other province or territory.

“308.3. The Government may, by regulation, make any provision for the carrying out of this chapter, including provisions that differ from those set out in the Acts referred to in section 308.1.

“308.4. An agreement made under this chapter shall be published in the *Gazette officielle du Québec*.”

33. Section 310 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by inserting “, by a legal person, partnership or other entity authorized under sections 169 to 171” after “power” in the first paragraph;

(3) by inserting “, partnership, other entity” after “person” in the second paragraph.

34. Section 318 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by replacing “becomes effective on the day it is served on the person to whom it applies” in the third paragraph by “is effective as of the time the Authority sends the notice to the person concerned”.

35. Section 322 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by replacing “or by a self-regulatory organization” in the first paragraph by “, by a legal person, partnership or other entity authorized under sections 169 to 171 or by a recognized self-regulatory organization”, and “Act respecting the Agence nationale d’encadrement du secteur financier” in that paragraph by “Act respecting the Autorité des marchés financiers”;

(3) by replacing “A self-regulatory organization” in the second paragraph by “A legal person, partnership or other entity authorized under sections 169 to 171 or a recognized self-regulatory organization”;

(4) by adding “or under section 172 of this Act as regards a legal person, partnership or other entity authorized under section 169” at the end of the second paragraph.

36. Section 330.6 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by replacing “or of another Canadian province” in paragraph 1 by “, of another Canadian province or of a Canadian territory”.

37. Section 331 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

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

“(1.1) determine the conditions to be met by a company for the purposes of the definition of “closed company” set out in section 5;”;

(3) by striking out subparagraphs 2 to 5 of the first paragraph;

(4) by inserting the following subparagraph after subparagraph 11 of the first paragraph:

“(11.1) determine the provisions of Title III the contravention of which may be sanctioned by an administrative monetary penalty, and prescribe the amounts and conditions of such a penalty for the purposes of section 274.1;”.

38. Section 331.1 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by replacing “percentages of securities of a class or series” in paragraph 4 by “the portion”;

(3) by inserting the following paragraph after paragraph 11:

“(11.1) define the expression “accredited investor” and determine the conditions for the distribution of securities made to an accredited investor for the purposes of section 43;”;

(4) by inserting the following paragraphs after paragraph 18:

“(18.1) determine the issuers to which subparagraph 7 of the second paragraph of section 68 applies;

“(18.2) determine the criteria to be used by the Authority to designate an issuer as an issuer deemed to have made a distribution of securities to the public under subparagraph 8 of the second paragraph of section 68;”;

(5) by inserting the following paragraph after paragraph 27:

“(27.1) determine the content of the program, the mandate and powers of the compliance supervisor as well as the measures to ensure the compliance supervisor’s independence for the purposes of section 160.3;”.

39. Section 338.1 of the said Act is amended by replacing “the Commission” wherever it appears by “the Authority”.

FINANCIAL ADMINISTRATION ACT

40. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended

(1) by replacing “Agence nationale d’encadrement du secteur financier” by “Autorité des marchés financiers”;

(2) by inserting “Bureau de décision et de révision en valeurs mobilières” in alphabetical order.

ACT RESPECTING THE AGENCE NATIONALE D'ENCADREMENT DU
SECTEUR FINANCIER

41. Section 16 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., chapter A-7.03) is amended

- (1) by replacing "Agency" wherever it appears by "Authority";
- (2) by striking out the third paragraph.

42. The said Act is amended by inserting the following section after section 25:

"25.1. Subject to the conditions determined by by-law, the Authority may allow the signature of the president and director general or a delegate referred to in section 24 to be affixed by means of an automatic device on the documents determined in the by-law."

43. Section 32 of the said Act is amended

- (1) by replacing "Agency" wherever it appears by "Authority";
- (2) by replacing "or any other member of the staff" in the first paragraph by "a staff member or an appointed agent";
- (3) by replacing the second paragraph by the following paragraph:

"The same applies to any person or body exercising a function or power delegated by the Authority or a power delegated under section 306 of the Securities Act (chapter V-1.1) or a power referred to in sections 308.1 and 308.2 of that Act."

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

"32.1. If the president and director general, a staff member or an appointed agent of the Authority is prosecuted by a third party for an act done in the exercise of the functions of office, the Authority shall assume the person's defence and shall pay any damages awarded as compensation for the injury resulting from that act, unless the person committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, the Authority shall pay the defence costs of the president and director general, a staff member or an appointed agent only if the person had reasonable grounds to believe that his or her conduct was in conformity with the law, or was discharged or acquitted.

"32.2. If the Authority prosecutes the president and director general, a staff member or an appointed agent for an act done in the exercise of the

functions of office and loses its case, it shall pay the person's defence costs if the court so decides.

If the Authority wins its case only in part, the court may determine the amount of the defence costs it must pay."

45. Section 85 of the said Act is amended

(1) by replacing "Agency" by "Authority";

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

"The Authority may review such a decision on its own initiative."

46. Section 104 of the said Act is amended by replacing "the secretary or staff members" in the second paragraph by "the board, the chair, a deputy chair, the members, the secretary or another staff member or a person or body exercising a power delegated in accordance with section 306 of the Securities Act or a power referred to in sections 308.1 and 308.2 of that Act".

47. The said Act is amended by inserting the following sections after section 104:

"104.1. Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the board or a person or body referred to in section 104.

A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered or order or injunction issued contrary to the first paragraph.

"104.2. If the chair, a deputy chair or another member of the board is prosecuted by a third party for an act done in the exercise of the functions of office, the board shall assume the person's defence and shall pay any damages awarded as compensation for the injury resulting from that act, unless the person committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, the board shall pay the defence costs of the chair, a deputy chair or another member of the board only if the person had reasonable grounds to believe that the conduct was in conformity with the law, or was discharged or acquitted.

"104.3. If the board prosecutes the chair, a deputy chair or another member of the board for an act done in the exercise of the functions of office and loses its case, it shall pay the person's defence costs if the court so decides.

If the board wins its case only in part, the court may determine the amount of the defence costs it must pay."

ACT RESPECTING INSURANCE

48. Section 285.33 of the Act respecting insurance (R.S.Q., chapter A-32) is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by adding the following sentence at the end of the third paragraph: “It may also retain the services of any natural person to act as a mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body or a legal person.”

49. The said Act is amended by inserting the following section after section 422.1:

“**422.2.** The costs incurred by the Government for the administration of this Act, as determined each year by the Government, shall be borne by the Authority.”

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

50. Section 131.4 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by adding the following sentence at the end of the fourth paragraph: “It may also retain the services of any natural person to act as a mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body or a legal person.”

51. The said Act is amended by inserting the following section after section 589:

“**589.1.** No person may be prosecuted on the basis of information given in good faith to the Authority in accordance with this Act.”

52. The said Act is amended by inserting the following section after section 726:

“**726.1.** The costs incurred by the Government for the administration of this Act, as determined each year by the Government, shall be borne by the Authority.”

REAL ESTATE BROKERAGE ACT

53. Section 5 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended by adding the following paragraph at the end:

“On the other hand, if an insurance fund has been established, the broker must pay the insurance premium prescribed by a by-law of the Association.”

54. Section 74 of the said Act is amended by inserting the following paragraph after paragraph 7:

“(7.1) the premium a broker must pay to the insurance fund and the related criteria;”.

55. The said Act is amended by inserting the following sections after section 79:

“**79.1.** The Association may establish an insurance fund and require brokers to subscribe to it.

The Association shall determine by by-law the premium a broker must pay on the basis of any criteria set out in the by-law.

The by-law is submitted to the Government for approval with or without amendment.

Sections 174.1 to 174.11 and 174.13 to 174.18 of the Act respecting insurance, with the necessary modifications, apply to the insurance fund established by the Association.

If it establishes an insurance fund, the Association is an insurer within the meaning of the Act respecting insurance.

“**79.2.** The insurance fund established by the Association is authorized to provide liability insurance to any person whose activities are governed by this Act.”

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

56. The Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by inserting the following section after section 86:

“**86.1.** A firm shall set up a compliance program and designate an executive officer, or a person holding a management position under an executive officer’s authority, to supervise enforcement of the program.

The content of the program, the mandate and powers of the compliance supervisor and the measures to ensure the compliance supervisor’s independence are determined by regulation of the Authority, based on criteria specified in the regulation.”

57. Section 103.2 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by adding the following sentence at the end of the third paragraph: “It may also retain the services of any natural person to act as a mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body or a legal person.”

58. Section 137 of the said Act is amended by adding the following paragraphs at the end:

“The independent partnership shall set up a compliance program and designate an executive officer, or a person holding a management position under an executive officer’s authority, to supervise enforcement of the program.

The content of the program, the mandate and powers of the compliance supervisor and the measures to ensure the compliance supervisor’s independence are determined by regulation of the Authority, based on criteria specified in the regulation.”

59. Section 198 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by replacing “and” in the third line of the first paragraph by “or”;

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

“The Authority shall determine by regulation those required to subscribe to the insurance fund, on the basis of any criteria set out in the regulation.”

60. The said Act is amended by inserting the following section after section 217:

“**217.1.** The Authority may, by regulation, conditionally or unconditionally exempt a group of persons from some or all of the requirements of this Act or of the regulations applicable to a securities sector.”

61. The said Act is amended by inserting the following section after section 224.1:

“**224.2.** The Authority shall determine by regulation based on criteria specified in the regulation, the content of the compliance program to be set up by a firm or an independent partnership, as well as the powers and mandate of the compliance supervisor and measures to ensure the compliance supervisor’s independence.

A regulation under the first paragraph may prescribe different rules according to the number of representatives acting for a firm or an independent partnership; it may also prescribe that the requirements relating to the designation, powers and mandate of the compliance supervisor and to the measures to ensure the compliance supervisor's independence do not apply."

62. The said Act is amended by inserting the following sections after section 228:

"228.1. The Authority may, on the conditions it determines, exempt a person or a group of persons from some or all of the requirements prescribed by this Act or by regulation that are applicable to a securities sector if it considers that the exemption does not undermine the protection of investors.

The decision is without appeal.

"228.2. The Authority may deny the benefit of an exemption under a regulation whenever it considers it necessary to do so to protect investors.

In particular, it may deny the benefit of an exemption to any person who has

- (1) made improper use of such an exemption;
- (2) contravened this Act or the regulations; or
- (3) contravened any other securities provision."

63. Section 278 of the said Act is amended

- (1) by replacing "Agency" in the first paragraph by "Authority";
- (2) by adding the following paragraph at the end:

"In the event of insufficient assets, the contribution must be determined so as to make up the insufficiency over a maximum period of five years."

64. Section 279 of the said Act is amended by adding " , unless they are made in the form of deposits with the Caisse de dépôt et placement du Québec, to be administered by the Caisse according to the investment policy determined by the Authority" at the end.

65. Section 288 of the said Act is replaced by the following section:

"288. The affairs of the Chambre de l'assurance de dommages shall be administered by a board consisting of 13 members, two of whom shall be appointed by the Minister to represent the general public for a term of three years.

The affairs of the Chambre de la sécurité financière shall be administered by a board consisting of 11 members, two of whom shall be appointed by the Minister to represent the general public for a term of three years.”

66. Section 290 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Eleven members shall be elected to the board by the damage insurance agents, damage insurance brokers and claims adjusters in the employ of an insurer and the claims adjusters not in the employ of an insurer, in proportion to the number of representatives in each group and in accordance with the procedure determined by the internal management by-law of the Chamber.”

67. Section 294 of the said Act is amended by replacing “and financial planners” by “, financial planners, damage insurance agents and claims adjusters”.

68. Section 296 of the said Act is amended

(1) by replacing “a president from among their number. They shall also designate” in the second line by “, from among their number, a president.”;

(2) by adding “, according to the procedure set out in the internal management by-law” at the end.

69. Section 297 of the said Act is amended by replacing “from among their number” by “and a vice-president from among their number according to the procedure set out in the internal management by-law”, and by striking out the second sentence.

70. Section 298 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**298.** The term of office of the members of the board of a Chamber other than those appointed by the Minister is determined by the Chamber, according to the procedure set out in the internal management by-law.”

71. Section 300 of the said Act is amended by replacing “Minister” in the second paragraph by “board”.

72. Section 301 of the said Act is amended by replacing “of the Chamber” by “of the board”.

73. Section 303 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**303.** The president shall chair the meetings of the board and see to the proper functioning of the board, in accordance with the internal management

by-law. The president shall also exercise the other responsibilities and powers assigned by the board.”

74. The said Act is amended by inserting the following section after section 303:

“**303.1.** The board shall appoint a chief executive officer in the case of the Chambre de la sécurité financière, and a president and director general in the case of the Chambre de l’assurance de dommages.

The chief executive officer and the president and director general are responsible for the administration and management of their respective Chambers within the framework of the internal management by-law adopted by their respective Chambers.

Their remuneration and other conditions of office are determined by a contract binding them to their Chamber. They may also exercise other responsibilities and powers determined by the board.”

75. Section 305 of the said Act is amended by replacing “is six” by “is the majority of its”.

76. Section 309 of the said Act is replaced by the following section:

“**309.** The board of each Chamber shall appoint a secretary.

Any other personnel member a Chamber needs to pursue its activities shall be appointed by the chief executive officer in the case of the Chambre de la sécurité financière, and by the president and director general in the case of the Chambre de l’assurance de dommages, in accordance with the staffing plan and the standards established by regulation of the Chamber. The regulation shall also determine the standards and scales of remuneration, employment benefits and other employment conditions of the personnel members.

Section 217 does not apply to a regulation made under this section.”

77. Section 310 of the said Act is replaced by the following section:

“**310.** Each Chamber shall determine, by regulation, the rules of ethics and the sanctions applicable to its board members and personnel.

Section 217 does not apply to a regulation made under this section.”

78. The said Act is amended by inserting the following section after section 310:

“**310.1.** Section 217 does not apply to the internal management by-law of a Chamber.”

79. Section 327 of the said Act is replaced by the following section:

“327. The board of each Chamber shall appoint a syndic.

The Chamber shall, according to the staffing plan and standards determined by regulation of the Chamber, fix the syndic’s remuneration, employment benefits and other conditions of employment, all of which shall be borne by the Chamber.”

80. Section 328 of the said Act is repealed.

81. Section 331 of the said Act is amended by replacing “The Minister” in the first paragraph by “The board of a Chamber”, by adding “according to the staffing plan and standards determined by regulation of the Chamber” at the end of that paragraph and by striking out “concerned” at the end of the second paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

82. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 72 of chapter 23 of the statutes of 2003, is again amended by inserting the following paragraph after paragraph 7:

“(7.1) section 25.1 of the Act respecting financial services cooperatives (chapter C-67.3);”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

83. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by Conseil du trésor Decisions 200976 dated 20 April 2004 and 201230 dated 14 June 2004, is again amended

(1) by striking out the following in paragraph 1:

“The Agence nationale d’encadrement du secteur financier, in respect of employees who were transferred from the Commission des valeurs mobilières du Québec, from the Inspector General of Financial Institutions and from the Régie de l’assurance-dépôts du Québec pursuant to the Act respecting the Agence nationale d’encadrement du secteur financier (chapter A-7.03);”

(2) by inserting the following in alphabetical order in paragraph 1:

“the Autorité des marchés financiers”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT
PERSONNEL

84. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), amended by Conseil du trésor Decisions 200976 dated 20 April 2004 and 201230 dated 14 June 2004, is again amended

(1) by striking out the following in paragraph 1:

“the Agence nationale d’encadrement du secteur financier, in regard to the employees transferred from the Commission des valeurs mobilières du Québec, the Inspector General of Financial Institutions and the Régie de l’assurance-dépôts du Québec for application of the Act respecting the Agence nationale d’encadrement du secteur financier (chapter A-7.03)”;

(2) by inserting the following in alphabetical order in paragraph 1:

“the Autorité des marchés financiers”.

ACT RESPECTING THE ENTERPRISE REGISTRAR

85. Schedule I to the Act respecting the enterprise registrar (R.S.Q., chapter R-17.1) is amended by striking out the following:

“Act respecting certain investments of insurance companies (1973, chapter 68)”.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

86. The Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by inserting the following after section 58:

“CHAPTER VI.1

“PROROGATION

“**58.1.** The Minister may authorize a company referred to in sections 1 and 2 to file for letters patent so that it may continue under the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45).”

87. Section 153.4 of the said Act is amended

(1) by replacing “Agency” wherever it appears by “Authority”;

(2) by adding the following sentence at the end of the third paragraph: “It may also retain the services of a natural person to act as a mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body or a legal person.”

88. The said Act is amended by inserting the following section after section 406:

“**406.1.** The costs incurred by the Government for the administration of this Act, as determined each year by the Government, shall be borne by the Authority.”

ACT RESPECTING CERTAIN INVESTMENTS OF INSURANCE COMPANIES

89. The Act respecting certain investments of insurance companies (1973, chapter 68) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

90. The words “Agence nationale d’encadrement du secteur financier” and “Agency”, wherever they appear in the following provisions, are replaced respectively by the words “Autorité des marchés financiers” and “Authority”:

(1) articles 1339, 1341 and 2442 of the Civil Code of Québec (1991, chapter 64);

(2) the title of the Act respecting the Agence nationale d’encadrement du secteur financier, the heading of Title I, sections 1 to 15, 16 to 31, 33 to 48, 57 to 69 and 71 to 73, the heading of Chapter II of Title III and sections 74 to 78, 80, 83, 86 to 91, 93, 94, 114, 131, 132, 146 to 149, 152, 707 to 726, 728, 733 to 739, 742 to 744 and 747 of the Act respecting the Agence nationale d’encadrement du secteur financier (R.S.Q., chapter A-7.03), as amended by Regulation 5 under section 746 of the Act respecting the Agence nationale d’encadrement du secteur financier, enacted by Order in Council 495-2004 (2004, G.O. 2, 1823);

(3) sections 93, 97.1, 156, 161, the heading of Title VII and sections 177 to 179.2 and 180 to 183 of the Automobile Insurance Act (R.S.Q., chapter A-25);

(4) sections 1, 2.1, 17, 18, 20, 26, 27, 31 to 31.2, 31.4, 32.1 to 33.1, 34 to 35, the heading of Division VI and sections 40, 40.2 to 40.3.2, 40.4 to 43, 45, 46, 51 to 54, 56 and 57 of the Deposit Insurance Act (R.S.Q., chapter A-26);

(5) section 4 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);

(6) sections 1, 5, 10 to 13, 15, 16, 19, 21 to 23, 29, 31, 32, 35.2, 37, 39, 41, 46, 48, 50.1 to 50.3, 62, 66.2, 68, 75 to 77, 79, 80, 93.1, 93.7, 93.10, 93.17, 93.19, 93.20, 93.25 to 93.27.4, 93.30, 93.34, 93.36, 93.48, 93.56, 93.88, 93.89, 93.108, 93.110, 93.111, 93.114 to 93.118, 93.120, 93.125, 93.126, 93.130 to 93.133, 93.154.3, 93.160, 93.165.1, 93.167, 93.168, 93.180, 93.184, 93.186 to 93.189, 93.191, 93.192, 93.197, 93.202, 93.204, 93.205, 93.208,

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(7) sections 17, 22 and 31 of the Act respecting the caisses d'entraide économique (R.S.Q., chapter C-3);

(8) sections 105, 106, 109 and 146.1 of the Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1);

(9) sections 20, 33 and 43 of the Act constituting Capital régional et coopératif Desjardins (R.S.Q., chapter C-6.1);

(10) section 4 of the Act respecting international financial centres (R.S.Q., chapter C-8.3);

(11) section 144.4 of the Cinema Act (R.S.Q., chapter C-18.1);

(12) sections 465.5, 465.6, 465.13 and 465.15 of the Cities and Towns Act (R.S.Q., chapter C-19);

(13) section 16.8 of the Professional Code (R.S.Q., chapter C-26);

(14) articles 711.6, 711.7, 711.9, 711.10, 711.14 and 711.16 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(15) sections 31 and 134 of the Companies Act (R.S.Q., chapter C-38);

(16) section 25 of the Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);

(17) section 61 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);

(18) sections 11, 13 to 15, 20, 21 to 25.1, 25.3 to 27, 31, 37, 39, 42, 43, 61, 71, 81, 82, 100, 113, 120, 122, 123, 127, 131.2, 131.3, 131.5, 131.6, 132, 135, 136, 138, 142, 146, 147, 151, 152, 157, 158, 160, 162, 163, 166, 167, 170, 171, 175 to 185, 187 to 192, 194, 231, 243, 259, 265, 266, 268, 277 to 280, 283, 292, 314, 316, 325, 333, 348, 350, 353, 355, 376, 377, 379 to 381, 387, 389 to 391, 399, 403, 404, 406, 413, 424, 426, 427, 433 to 436, 442, 443, 445

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(19) section 25 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1);

(20) section 46.5 of the Forestry Credit Act (R.S.Q., chapter C-78);

(21) section 58 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);

(22) sections 5, 12, 13, 17, 19, 22, 29, 41, 44, 46, 53 to 57, 59, 64, 69, 71 to 74, 76 to 79, 81, 83, 88, 93, 98, 99, 103.1, 103.3, 104 to 108, 112, 115, 117, 119, 122, 124, 126 to 128, 130 to 132, 135, 136, 139, 144 and 157.2 to 157.6, the heading of Title III, the heading of Chapter II of Title III and sections 184 to 194, 196, 197, 199 to 220, 222 to 232, 234 to 236, 238 to 244, 248, 249, 256, 274, 274.1, 276 to 277, 286, 295, 312, 314, 317 to 319, 320.2 to 320.5, 335, 336, 344, 346, 347, 351, 351.1, 368 to 370, 413, 414, 416 to 419, 422, 423, 428, 432, 440, 443, 445, 447, 449 to 452, 454 to 462, 465, 474, 476, 492, 494, 535, 539, 540, 545, 549, 553, 554, 559 to 561, 566, 567 and 580.1 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) as amended by Regulation 5 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier, enacted by Order in Council 495-2004 (2004, G.O. 2, 1823);

(23) sections 6, 7 and 8 of the Act respecting Nasdaq stock exchange activities in Québec (R.S.Q., chapter E-20.01);

(24) section 37 of the Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (R.S.Q., chapter F-3.1.2);

(25) sections 29 and 30 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1);

(26) sections 1, 158.14, 346.2, 737.18.29, 895, 897, 965.1, 965.6.23.1, 965.7, 965.9.7.0.2, 965.9.7.1, 965.9.7.2, 965.9.7.3, 965.24.2, 965.28.1, 965.28.2, 965.31.5, 979.1, 998, 999.0.1, 1029.8.36.95, 1029.8.36.147, 1049.2.8, 1049.2.9 and 1175.1 of the Taxation Act (R.S.Q., chapter I-3);

(27) sections 6 and 7 of the Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (R.S.Q., chapter I-8.01);

(28) section 233 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(29) section 15 of the Public Protector Act (R.S.Q., chapter P-32);

- (30) section 321 of the Consumer Protection Act (R.S.Q., chapter P-40.1);
- (31) Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- (32) section 134 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- (33) section 18 of the Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1);
- (34) sections 37, 40, 41, 91, 101 to 104, 108, 110, 111, 113, 116, 118, 121, 122, 125, 131, 133 to 135, 137, 144, 145, 147, 149 to 153, 155, 157, 158, 160, 161, 169, 170, 175, 190, 192 and 202 of the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1);
- (35) sections 2, 13 to 15, 16, 18, 19, 24 to 28, 30, 37 to 41, 43, 50 to 52, 54, 56, 67, 71, 75, 77, 96 to 98, 102, 108, 118, 119, 121 to 123, 125, 130, 133, 137, 148, 149, 153.2, 153.3, 153.5, 153.6, 155, 156, 163 to 167, 169 to 169.2, 172, 177, 192, 194 to 199, 203, 210 to 212, 214, 216, 222, 226 to 228, 233 to 238, 240 to 248, 251, 264, 265, 270, 271, 276, 280, 285 and 286, the heading of Division IV of Chapter XVI, sections 293, 296 to 298, 302 to 310 and 312, the heading of Division VI of Chapter XVI, sections 313, 314, the heading of Division VII of Chapter XVI and sections 314.1, 315 to 329, 331, 335 to 337, 339, 341, 344 to 346, 351, 356, 361, 382, 385, 388 to 395, 401, 406 and 407 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- (36) section 71 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- (37) sections 9 and 20 of the Professional Syndicates Act (R.S.Q., chapter S-40);
- (38) sections 1 and 519 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- (39) sections 7, 7.1, 10.2, 10.5, 10.6, 11, 12, 14, 15, 20, 27, 28, 34, 35, 37 to 40, 44, 46, 47, 48, 48.1, 49, 50, 53, 53.1, 59.1, 64, 66, 67, 69 to 71, 73, 75 to 79, 80.1, 82, 84, 85, 92, 96, 104, 108, 119 to 121, 128, 130, 133, 139, 140, 142, 145, 147, 147.10, 147.11, 147.15, 147.16, 148 to 149, 151 to 151.1.1 and 153, the heading of Chapter III of Title V, sections 158, 168.1, 168.1.2, 168.1.4, 169, 170, 171, 192, 195, 195.1, 197, 199, 210 to 212, 221, 233, 236, 238 to 240, 242, 243, 245, 247 to 249, 251, 256, 258, 259.1, 260, 263, 265, 268 to 269.2, 271 to 272.1, 273.2, 274, 276, 276.2 to 276.4, 284, 285, 292 to 298, 302 to 303 and 306, the heading of Chapter III of Title X, sections 309 and 311, the heading of Chapter IV of Title X and sections 312 to 313, 314.1, 316, 318.1

to 321.1, 323.5, 330.1 to 330.5, 330.9, 330.10, 331.2 and 333 to 335 of the Securities Act (R.S.Q., chapter V-1.1);

(40) sections 9, 15, 46, 48, 49, 51, 53, 65 and 70 of the Act respecting the Mouvement Desjardins (2000, chapter 77).

91. Unless the context indicates otherwise, in any Act, statutory instrument or other document, the words “Agence nationale d’encadrement du secteur financier”, and the word “Agency” when it concerns the Agence nationale d’encadrement du secteur financier, refer respectively to the “Autorité des marchés financiers” and to the “Authority”.

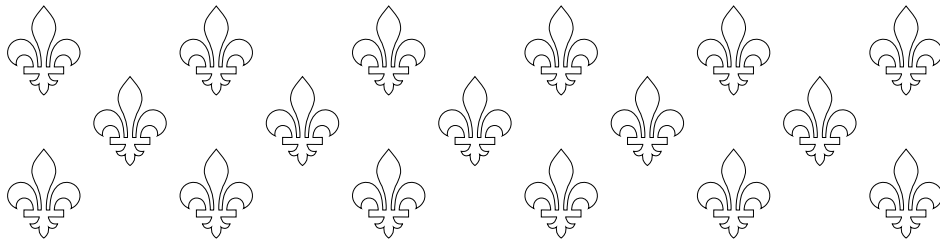
92. The Government may, by regulation, adopt any transitional provision to ensure that exemption provisions set out in the Securities Act (R.S.Q., chapter V-1.1) and amended or repealed by paragraph 2 of section 1 and sections 5 to 8, 12 and 13 are transferred to the regulations.

93. The persons referred to in the first paragraph of section 104 of the Act respecting the Agence nationale d’encadrement du secteur financier (R.S.Q., chapter A-7.03) who were in the employ of the Bureau de décision et de révision en valeurs mobilières and held the positions of secretary to the chair, secretary within the secretarial and legal departments and jurist within the legal department on 1 August 2004 are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

94. Within three months after the Association des courtiers et agents immobiliers du Québec establishes an insurance fund in accordance with section 79.1 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) enacted by section 55, the Fonds d’indemnisation du courtage immobilier must pay to that insurance fund, in a single lump sum, any amount of its net equity that exceeds \$2,500,000, as determined on the fifteenth day prior to the payment.

95. Section 2 as regards the replacement of “Agency” by “Autorité des marchés financiers”, paragraph 1 of section 4, paragraph 2 of section 9, paragraphs 1 of sections 10, 14, 16, 21 and 23, paragraphs 1 of sections 31, 33 to 38, 40, 41, 43, 45, 48, 50, 57, 59, 63 and 87 and sections 90 and 91 have effect from 11 December 2002 or the date of coming into force of the provisions they respectively amend. Sections 83 and 84 have effect from 1 February 2004.

96. The provisions of this Act come into force on 17 December 2004, except paragraphs 2 to 4 of section 1, paragraphs 1 to 4 and 6 of section 3, paragraph 2 of section 4, sections 7 and 8, paragraph 1 of section 9, paragraph 3 of section 10, sections 11 to 13, 15 and 22, paragraph 2 of section 23, sections 25, 26, 29 and 30, paragraph 2 of section 31, section 32, paragraphs 2 and 3 of section 37, paragraph 4 of section 38, paragraph 3 of section 43 and sections 46, 56, 58, 61 and 86, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 74
(2004, chapter 39)

**An Act to amend the Act respecting
the Pension Plan of Peace Officers in
Correctional Services and other
legislative provisions**

**Introduced 11 November 2004
Passage in principle 7 December 2004
Passage 16 December 2004
Assented to 17 December 2004**

**Québec Official Publisher
2004**

EXPLANATORY NOTES

This bill amends various provisions of the Act respecting the Pension Plan of Peace Officers in Correctional Services as a result of an agreement between the Government and the Syndicat des agents de la paix en services correctionnels. It also amends other public sector pension plans further, in particular, to retirement committee recommendations.

The bill amends the Pension Plan of Peace Officers in Correctional Services mainly by introducing rules of qualification for membership in the plan, establishing new rules for the redemption of service following a period of absence without pay and regularizing the transfer of service between the Pension Plan of Peace Officers in Correctional Services and the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

In addition, the bill amends certain public sector pension plans to conform with tax requirements and to determine the periods during which the various interest rates apply.

Finally, the bill provides for an additional vice-chairman at the Commission administrative des régimes de retraite et d'assurances, clarifies the administration of pension plans and introduces technical and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

Bill 74

AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

1. Chapter I of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), comprising sections 1 to 8, is replaced by the following chapter:

“CHAPTER I

“SCOPE

“DIVISION I

“PERSONS COVERED AND PENSIONABLE EMPLOYMENTS

“1. The Pension Plan of Peace Officers in Correctional Services applies

(1) from 1 January 1988, to every peace officer included in the bargaining unit certified as the Union des agents de la paix en institutions pénales and designated since 21 August 1990 under the name Syndicat des agents de la paix en services correctionnels du Québec;

(2) from 1 January 1991, to every peace officer who would be included in the unit referred to in paragraph 1 if that peace officer were not, in the course of duty, temporarily representing the employer in its relations with the employees;

(3) from 1 January 1992, to every person who holds employment in a house of detention as a manager referred to in the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre d'agents de la paix à l'exclusion des directeurs des établissements de détention (C.T. 170451 dated 11 April 1989) or in the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre de directeurs des établissements de détention (C.T. 170452 dated 11 April 1989) and subsequent amendments, and who is classified as a manager referred to in the directive, subject to paragraph 5 of section 3;

(4) from 1 January 1992, to every person belonging to certain classes of employees of the Institut Philippe Pinel, as determined by regulation, subject to paragraph 5 of section 3. The regulation may also, despite any inconsistent provision of this Act, except the provisions of Chapter V.1, contain special provisions applicable to the classes of employees so determined. This regulation may have effect for up to 12 months before its adoption.

“2. This plan also applies from 1 January 2005 to a person referred to in sections 4 to 5.1, as they read before 31 December 2004, to the extent that the person was a member of the plan on the latter date and would have continued to be a member of the plan on 1 January 2005 had those sections not been repealed.

“3. The plan does not apply to a person who

- (1) is under 18 years of age;
- (2) becomes an employee on or after 31 December of the year in which the employee attains 69 years of age;
- (3) is a member of the Sûreté du Québec;
- (4) is a Member of the National Assembly;
- (5) could have elected to become a member of this plan under the second paragraph of section 1.1 as it read before 1 January 2005 but did not do so and did not cease to be a member of the initial pension plan;
- (6) is excluded by regulation from the plan by reason of the person's class or conditions of employment, remuneration or mode of remuneration; or
- (7) is referred to under the fifth paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

“4. For the purposes of this Act, the person to whom this plan applies is considered as an employee unless that person is a pensioner under this plan, the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan, the Pension Plan of Management Personnel, the Pension Plan of Certain Teachers or a pension plan established under sections 9, 10 and 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“5. An employee ceases to be a member of the plan on 31 December of the year in which the employee attains 69 years of age.

“6. Pensionable employment under this plan is employment held by an employee referred to in section 1.

Pensionable employment under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) becomes, in respect of an employee who qualifies for membership in this plan, pensionable employment under this plan from the day after the day on which the employee becomes qualified.

“DIVISION II

“MEMBERSHIP

“7. For the purposes of this plan, an employee is a member of a pension plan from the first day on which the employee holds pensionable employment. However, an employee who, before becoming a member of this plan, obtained the transfer of past service to this plan is deemed to have become a member of the plan on the date on which the Commission administrative des régimes de retraite et d’assurances, established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), received the application for the redemption of the past service.

For the purposes of this plan, an employee is deemed to hold pensionable employment when the employee holds full-time or part-time employment, which includes any period during which the employee is absent without pay, is eligible for salary insurance benefits or, in the case of a female employee, is on maternity leave.

For the purposes of this plan, salary insurance means the salary insurance that is mandatory for the employee but does not include the salary insurance referred to in section 42.1.

“8. Membership in a pension plan continues as long as the employee remains an employee within the meaning of the plan.

However, for the purposes of eligibility for and computation of benefits under this plan, the membership of an employee who ceases to be an employee within the meaning of this plan for any period during which pensionable employment is not held is deemed to have ceased,

(1) if the employee is not eligible for a pension, on the last day the employee held pensionable employment or, where applicable, on the date the Commission received an application for redemption pursuant to which years and parts of a year of service were credited or counted under the plan, if such date is subsequent to the last day referred to above;

(2) if the employee is eligible for a pension, on the first day the employee became eligible, beginning on the day or date that would have been considered if paragraph 1 had applied.

“DIVISION III**“QUALIFICATION**

“8.1. An employee qualifies for membership in this plan on the day the employee has accumulated 10 years of service.

The following years and parts of a year of service are taken into account for qualification purposes:

(1) those credited in pensionable employment under the first paragraph of section 6;

(2) those credited in pensionable employment under the first paragraph of section 6 which must be credited again under section 25;

(3) those credited under section 143.3; and

(4) those which must be credited again under section 24.

For the purposes of subparagraphs 1 and 2 of the second paragraph, only the days and parts of a day for which the employee paid or was exempt from contributions must be counted in the total service, including those referred to in section 20 and those credited under section 21.

“8.2. Despite section 8.1, the years and parts of a year of service taken into account under this plan before the employee, qualified or not, took advantage of a transfer agreement signed under section 133 are not taken into account for qualification purposes if the employee was a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before the service was credited once again under this plan in application of the agreement.

“8.3. The qualification of an employee under this plan prevails over the qualification of the employee under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

“8.4. Despite section 8.1, the employee referred to in section 2 is qualified under this plan on 1 January 2005.

The employee who, before 1 January 2005, accumulated the 10 years of service required for qualification purposes is qualified under this plan on that date.

“DIVISION IV**“TERMINATION OF MEMBERSHIP AND BENEFITS PAYABLE TO NON-QUALIFIED EMPLOYEES OR PERSONS**

“8.5. This division applies to an employee or a person who has been a member of this plan, who was not qualified under it and who is not a pensioner within the meaning of section 4, who applies for benefits under this plan and is or was a member of the Government and Public Employees Retirement Plan, the Pension Plan of Management Personnel, the Teachers Pension Plan or the Civil Service Superannuation Plan. However, this division does not apply to a person or employee whose years and parts of a year of service credited or counted under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel are credited or counted under this plan in application of Chapter IX.1 on successive membership and who, since 1 January 2005, has not again become a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

“8.6. An application for benefits under this Act submitted by an employee or a person referred to in section 8.5 is considered an application for benefits under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Act respecting the Teachers Pension Plan (chapter R-11) or the Act respecting the Civil Service Superannuation Plan (chapter R-12). However, the application for benefits is not considered an application for the payment before the age of 65 of a deferred pension payable under those plans.

An application for benefits submitted by an employee or a person referred to in section 8.5 under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Pension Plan of Management Personnel, the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan is considered an application for benefits under this Act.

To be eligible for benefits under a pension plan referred to in the first paragraph, the employee or person must no longer be a member of any of the plans.

“8.7. If an employee or a person is eligible for a pension under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel or if that employee or person would be eligible for a pension under one of those plans if the years and parts of a year of service credited or counted under this plan, for which contributions were not reimbursed, were credited or counted under one of those plans, the employee or person shall retire under that other plan. However, for the purposes of eligibility for and computation of benefits under those plans, the membership of the employee or person is deemed to have ceased on the date the employee or person ceased to be a member of this plan under section 8, the Government

and Public Employees Retirement Plan under section 3.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), or the Pension Plan of Management Personnel under section 9 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), whichever is latest. In the event of death, the application for benefits is deemed to have been made on the day of the death.

“8.8. If an employee or a person who was a member of the Teachers Pension Plan or the Civil Service Superannuation Plan and who did not, on a later date, become a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before becoming a member of this plan would become eligible for a pension under the Government and Public Employees Retirement Plan if the years and parts of a year of service credited or counted under this plan, the Teachers Pension Plan or the Civil Service Superannuation Plan, for which contributions were not reimbursed, were credited or counted under the Government and Public Employees Retirement Plan, that employee or person shall retire under the Government and Public Employees Retirement Plan. For the purposes of eligibility for benefits under the Government and Public Employees Retirement Plan, this plan, the Teachers Pension Plan or the Civil Service Superannuation Plan and computation of those benefits, membership of the employee or person in these plans is deemed to have ceased on the date the employee or person ceased to be a member of this plan under section 8, the Teachers Pension Plan under section 2.2 of the Act respecting the Teachers Pension Plan (chapter R-11) or the Civil Service Superannuation Plan under section 55.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), whichever is latest. In the event of death, the application for benefits is deemed to have been made on the day of the death.”

2. The heading of Chapter II of the said Act is replaced by the following heading:

“PENSIONABLE SALARY, YEARS OF SERVICE AND REDEMPTION OF SERVICE”.

3. Section 14 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“If the total service credited in respect of the pensionable employments of the employee is reduced under section 16, the pensionable salary of the employee is equal to the total of the following amounts:

(1) the pensionable salary for each employment in respect of which service is credited in full; and

(2) the pensionable salary for the employment in respect of which service is credited in part, multiplied by the service credited in respect of that employment over the service accumulated in such employment.

Contributions related to the employment referred to in subparagraph 2 of the second paragraph are adjusted to take into account the pensionable salary calculated.”

4. Section 14.1 of the said Act is amended

(1) by inserting “for one year of service” after “employee” in the second line of the first paragraph;

(2) by replacing “without exceeding the salary required to arrive at the limit referred to in the first paragraph” in the third and fourth lines of the second paragraph by “subject to the fourth paragraph”;

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

“For the purposes of the second paragraph, the pensionable salary must not exceed the amount obtained by multiplying the limit referred to in the first paragraph by the service credited to the employee during the year.”

5. The said Act is amended by inserting the following section after section 14.1:

“**14.2.** For the purposes of this Act, “pensionable salary” refers to the pensionable salary determined in accordance with this division. However, section 14.1 is excluded from this reference in respect of the years prior to 1 January 1992.”

6. Division II of Chapter II of the said Act, comprising sections 15 to 41.6, is replaced by the following:

“**DIVISION II**

“**YEARS OF SERVICE**

“§ 1. — *Service under this plan*

“**15.** One year or part of a year of service is credited, for each calendar year, to the employee for the service accumulated if the contributions have been paid and not refunded and for service that is otherwise credited to the employee under this Act.

Service is credited according to the number of days and parts of a day for which the employee paid or was exempt from contributions and the days and parts of a day otherwise credited to the employee out of the number of contributory days in a year, that is, 200 or 260, according to the basis of remuneration. If, in the total number of days and parts of a day, there remains a part of a day that is less than 0.5, the fraction is disregarded. If a fraction equal to or greater than 0.5 remains, it is considered a full day.

“16. If an employee simultaneously holds more than one pensionable employment under the plan, the service accumulated by the employee is credited up to one year of service, beginning with service in respect of the employment to which the highest annual basic salary that is paid or would have been paid to the employee under the conditions of employment applicable on the last day credited in the year is attached.

Despite the first paragraph, no employee may, in the year in which the employee becomes a member of this plan, be credited with more service than the number of contributory days comprised between the date on which the employee becomes a member of this plan and the end of that year. During the year in which the employee retires or becomes entitled to a deferred pension, the employee may not be credited with more service than the number of contributory days comprised between 1 January and the date the employee ceased to be a member of the plan. In such cases, the service is credited, beginning with the service pertaining to the employment to which the highest annual basic salary is attached, in accordance with the first paragraph.

“17. If an employee who does not qualify for membership in this plan holds pensionable employment simultaneously under this plan and under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, the total service credited to the employee under this plan, in accordance with sections 15 and 16, and the total service credited to the employee under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel cannot exceed one year.

“18. The days and parts of a day of a period during which an employee receives salary insurance benefits or during which the employee would receive such benefits were it not for the waiting period prescribed by the salary insurance plan or were the employee not receiving a disability benefit under the Act respecting the Québec Pension Plan (chapter R-9) or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Crime Victims Compensation Act (chapter I-6) or any other Act, other than an Act of Québec having the same effect, are credited without contributions up to three years of service for each period of eligibility.

The days and parts of a day during which a female employee receives the income replacement indemnity provided for in section 36 of the Act respecting occupational health and safety (chapter S-2.1) by reason of the exercise of a right granted under sections 40, 41 and 46 of the said Act, are credited without contributions up to two years of service for each period of eligibility.

However, if the salary insurance plan so provides, the insurer pays the contributions which would have been paid by the employee, which are then credited to the account of the employee.

“19. An employee referred to in the first paragraph of section 18 who, under the salary insurance plan provided for in the employee’s conditions of employment, is entitled to salary insurance benefits for a maximum period of two years of service continues to be a member of the plan during the year following the last day of that two-year period, even if the employer terminated the employee’s employment, if on that day the employee was disabled within the meaning of the salary insurance plan.

During that year, the service credited to the employee or to a person exempt from contributions is the service that would have been credited to the employee or person if such employment had been held, and the pensionable salary is the salary the employee or person would have received.

However, the service credited to an employee or person who dies, resigns or retires during the year following the two-year period referred to in the first paragraph is reduced by the period comprised between the date of the event and the end of that year. The service credited is also reduced by the period comprised between the date on which the employee is entitled, following an application to that effect, to the amount referred to in section 74.1 or 74.8 and the end of that year.

The service credited under this section to an employee who returns to pensionable employment during the two-year period is reduced by the period comprised between the first day on which the employee holds such employment and the end of the year.

“20. A person referred to in paragraph 1, 2 or 4 of section 1 who receives benefits under a mandatory supplementary salary insurance plan pursuant to the applicable conditions of employment shall continue to be a member of this plan in respect of the employment that gives entitlement to the benefits even if the employer has terminated the person’s employment. The person shall continue to be a member as long as the benefits are being received or would have been received had it not been for the reduction applied to them following payment of a salary as a result of a career reorientation, demotion or new classification, payment of a disability benefit under the Act respecting the Québec Pension Plan (chapter R-9), payment of an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or the Automobile Insurance Act (chapter A-25), or payment of an employment income, until the person becomes entitled to a pension under subparagraph 2 or 3 of the first paragraph of section 44 or attains 65 years of age, whichever comes first.

The exemption from contributions provided for in section 18 of this Act applies and, thereafter, the insurer shall pay an amount equal to 185.19% of the contribution referred to in the first paragraph of section 42 and 100% of the contribution referred to in the second paragraph of that section.

The first and second paragraphs do not apply to an employee who receives benefits under a mandatory basic long-term salary insurance plan applicable to management personnel in the public and parapublic sectors.

“21. The days and parts of a day of a maternity leave are credited to the employee without contributions for up to 130 contributory days.

If the employee holds more than one pensionable employment in a year, the days and parts of a day of maternity leave are credited to her before any other service.

However, the employee must apply to the Commission to be credited with the days and parts of a day of a maternity leave in progress on 1 January 1988 or which began at the latest on 31 December 1988 while she was covered under paragraph 1 of section 1.

“22. The days and parts of a day of absence that are totally compensated out of accumulated sick leave are credited to the employee only if the contributions have been paid. This rule applies even in cases provided for in sections 18 and 21.

“§ 2. — Service under another plan

“23. Subject to sections 24 and 25, the years and parts of a year of service credited to an employee and the years and parts of a year of service for which pension credit was granted to the employee under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Act respecting the Teachers Pension Plan (chapter R-11) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), must be credited under this plan on an actuarially equivalent basis established on the day following the date the employee qualifies for membership in this plan, if the contributions have not been refunded to the employee.

The years and parts of a year of service are credited beginning with the most recent service, until the actuarial value of the benefits established in respect of those years and parts of a year of service under this plan reaches the actuarial value of the benefits accrued under the other pension plans concerned, without exceeding the total service credited or counted under each of the other plans.

If the years and parts of a year of service are credited or counted under more than one of the pension plans referred to in the first paragraph, the total service credited or counted under each of those plans is used for retirement eligibility purposes to establish the actuarial value of the benefits accrued under each plan.

The actuarial values of the benefits are established on the basis of actuarial assumptions and methods determined by regulation and which may vary according to the pension plans and the benefits concerned.

“24. The years and parts of a year of service referred to in section 143.3, which are no longer credited under this plan to the employee referred to in section 23 by reason of section 143.8, must once again be fully credited under

this plan on the day following the date on which the employee qualifies for membership in this plan after 31 December 2004, if the contributions have not been refunded to the employee. The same applies if the employee is referred to in section 143.25.

“25. The years and parts of a year of service credited to the employee referred to in section 23 under this plan and the years and parts of a year of service for which pension credit was granted to the employee under this plan and that were credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before 1 January 2005, under sections 143.5 and 143.9, the second paragraph of section 143.23 or the third paragraph of section 143.24 of this Act, section 115.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 149 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as it read before 1 January 2005, must be credited once again under this plan on the day following the date the employee qualifies for membership in this plan after 31 December 2004, as though those sections had not applied. However, the years and parts of a year of service counted under this plan and for which pension credit was granted are credited in accordance with section 23.

However, if an employee received a refund of contributions under section 41 of this Act as it read before 1 January 2005, the years and parts of a year of service referred to in the first paragraph shall be credited under this plan in proportion to the amount of the actuarial value of the benefits accrued under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel over the total amount of contributions accumulated under sections 71 to 73, as they read before 1 January 2005. The amounts are those used for the purposes of section 41.

The years and parts of a year of service referred to in the first and second paragraphs are credited beginning with the most recent service.

“26. An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of section 23 and the first paragraph of section 25 by paying to the Commission the difference between the actuarial values of the benefits resulting from those years and parts of a year of service.

An employee referred to in the second paragraph of section 25 may be credited with all or part of the years and parts of a year of service not credited under this plan by paying to the Commission an amount equal to the refund referred to in the second paragraph of that section.

The years and parts of a year of service referred to in the first and second paragraphs are credited beginning with the most recent service.

The amount to be paid by the employee bears interest, compounded annually, at the rates determined for each period in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), from

the first day of the month that follows the date on which the actuarial values are established to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date to the date of the redemption proposal made by the Commission. For the purposes of the second paragraph, however, interest runs from the first day of the month during which the Commission paid the refund instead of the first day of the month following the date on which the actuarial values are established.

Section 30 applies to service redeemed under this section.

“27. The Commission shall refund to a person who becomes subject to section 109.3 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or to section 138.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) any amounts paid under section 40 of this Act, as it read before 1 January 2005, to be credited with the years and parts of a year of service referred to in that section 109.3 or 138.2, with interest.

“DIVISION III

“REDEMPTION OF SERVICE IN PENSIONABLE EMPLOYMENT UNDER THIS PLAN

“28. An employee who has had a period of absence without pay at a time during which pensionable employment was held under this plan may, if the employee so requests, be credited with all or part of a period of absence that was in progress on 1 January 1988 or that began after that date. If that period of absence ended after 31 December 2004, it must have consisted of more than 30 consecutive days or, in the case of a period of part-time absence without pay, of more than 20% of the regular time of a full-time employee holding similar employment.

The employee may not be credited with fewer than 10 pensionable days during the same calendar or school year unless the number of days of absence is less than ten. In that case, the employee must be credited with all such days.

To redeem a period of absence, the employee must be contributing to the plan on the date the application is received by the Commission, unless the employee is not contributing to the plan under section 18 or section 21. The application must be made after the date on which the period of absence ends. However, such a period may also be redeemed if, at the end of the period, the employee is no longer contributing to the plan by reason of eligibility for a pension, death, a transfer agreement entered into under section 133 or, if the employee contributed after the period of absence, when the employee's application for redemption and application for pension are received simultaneously at the Commission.

An employee who ceases to be a member of the plan after a period of absence without pay of 30 consecutive days or less for which only part of the

amount to be withheld under section 42.0.1 has been withheld may also be credited with that part of the period of absence for which no amount has been withheld.

An employee who holds another pensionable employment under this plan or who holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel during a period of absence without pay may not be credited with the days and parts of a day during which that employment is held.

“29. The amount required of the employee to pay the cost of redemption referred to in section 28 is equal to the contributions that would have been withheld under this plan from the pensionable salary that would have been received if the employee had not been absent during the period covered by the application, based on the number of days and parts of a day to be redeemed out of the number of pensionable days and the applicable annual remuneration. The contribution rate referred to in the first paragraph of section 42, in force on 1 January 1988, is used to compute the contribution that would have been withheld for a period of absence in progress on that date. However, the supplementary contribution rate applicable under the third paragraph of section 42 is the rate in force on the date the Commission receives the application for redemption.

Despite the first paragraph, the contribution withheld for a period of absence before 1 January 2000 from an employee to whom section 5 as it read on 31 December 2004 applied during that period of absence, is the contribution established under the first paragraph of section 42, with the addition to each of the rates provided for under that paragraph of the supplementary contribution rate in force on the date the application is received, applicable under the third paragraph of that section. In the case of a period of absence after 31 December 1999 but before 1 January 2005, the contribution is established under the first and second paragraphs of section 42, with the addition to the contribution rate thus established of the supplementary contribution rate in force on the date the application is received, applicable under the third paragraph of that section.

However, in cases where the application for redemption of a period of absence without pay is received by the Commission more than six months after the end of the period of absence, the amount required under the first or second paragraph bears interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). The interest runs from the end of the sixth month following the end of the period of absence without pay until the date the Commission receives the application.

“30. The amount required of the employee to pay the cost of redemption referred to in section 28 is payable either in a lump sum or in instalments over the period and at the intervals determined by the Commission.

An amount paid in instalments bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) in force on the date the application for redemption is received at the Commission and computed from the date on which the redemption proposal made by the Commission expires.

“DIVISION IV

“REDEMPTION OF SERVICE IN PENSIONABLE EMPLOYMENT UNDER ANOTHER PLAN

“§ 1. — *General provisions*

“**31.** An employee who has had a period of absence without pay while holding pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel and who ceased to be a member of one of those plans after a period of absence without pay of 30 consecutive days or less for which only part of the amount to be withheld under section 29.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 41.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) was withheld may be credited under this plan with that part of the period of absence for which no amount was withheld.

“**32.** An employee who has had a period of absence without pay at a time while holding pensionable employment under the Civil Service Superannuation Plan, even if in this employment the employee was a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, may be credited with all or part of the period of absence if it began after 12 June 1969.

The second, third and fifth paragraphs of section 28 apply for the purposes of this section.

“**33.** The amount required of the employee to pay the cost of redemption provided for in sections 31 and 32 is equal to the contributions that would have been withheld if the employee had been a member of this plan from the pensionable salary that would have been received if the employee had not been absent during the period covered by the application, based on the number of days and parts of a day to be redeemed out of the number of pensionable days and the applicable annual remuneration. The contribution withheld for a period of absence before 1 January 2000 is the contribution determined under the first paragraph of section 42, with the addition to each of the rates provided for under that paragraph of the supplementary contribution rate in force on the date the application is received, applicable under the third paragraph of that section. However, for a period of absence that began before 1 January 1988 or was in progress on that date, the first paragraph of section 42, as it read on 1 January 1988, applies and the personal exemption and the maximum pensionable earnings referred to in that paragraph are those

in force during that period. In the case of a period of absence after 31 December 1999, the contribution is determined under the first and second paragraphs of section 42, with the addition to the contribution rate determined of the supplementary contribution rate in force on the date the application is received, applicable under the third paragraph of that section.

The amount bears interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and at an annual rate of 4% for each year or part of a year before 1973. The interest accrues from the midpoint of each year until the date on which the application for redemption is received at the Commission.

The amount required of the employee to pay the cost of redemption under this section is payable in accordance with section 30.

“34. An employee who has held casual employment defined by regulation under paragraph 14 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is entitled to be credited with all or part of the service earned while in casual employment between 30 June 1973 and 1 January 1988 with a body contemplated by the Government and Public Employees Retirement Plan or with a body which, in the opinion of the Commission, would have been contemplated by the plan had it not ceased to exist. For the purposes of this paragraph, any period during which the employee was eligible for salary insurance benefits is counted as a period of service.

If the employee applies to have only part of that service credited, the most recent service will be credited first. Any pension credit that may have been granted under the Act respecting the Government and Public Employees Retirement Plan or the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) in respect of such service is cancelled and the sums paid to obtain the pension credit are refunded with interest, compounded annually at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date.

The amount required of the employee to pay the cost of redemption is determined in accordance with section 33. The amount is payable in accordance with section 30.

“35. An employee who, on 1 January 1988, was a peace officer referred to in paragraph 1 of section 1 but who, on 31 December 1987, was a member of the Civil Service Superannuation Plan or an employee who, on 1 January 1992, was a manager referred to in paragraph 3 of section 1 or a person referred to in paragraph 4 of that section but who, on 31 December 1991, was a member of the Civil Service Superannuation Plan may be credited under this plan with the years and parts of a year of service for which contributions have been

refunded under the Civil Service Superannuation Plan, provided the employee repays the contributions with interest at the rate of 4% compounded annually and computed from the day of the refund.

The amount required of the employee to pay the cost of redemption is payable in a lump sum or in instalments in accordance with Schedule I. The payments are withheld from the employee's pensionable salary or from any pension benefits, except a child's pension, which becomes payable under this plan.

“36. An employee is entitled to be credited with the years and parts of a year of service during which the employee was a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (chapter A-23.1), provided the employee has not otherwise been credited with those years and parts of a year and any employee contributions in respect of them have not been refunded.

To have all or part of that service credited, the employee must pay to the Commission an amount equal to the contribution that would have been required if the employee had been a member of this plan. The amount bears interest, compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date to the date of the redemption proposal made by the Commission. Years and parts of a year of service are credited beginning with the most recent service.

The amount required of the employee to pay the cost of redemption under this section is payable in accordance with section 30.

“37. An employee is entitled to be credited with the years and parts of a year of service during which the employee was a member of a pension plan that applied before 1 January 1992 to a Member of the National Assembly and in respect of which the employee obtained a refund of contributions, unless the employee has already exercised a right of redemption in respect of such years and parts of a year under a pension plan other than this plan.

The amount required of the employee to pay the cost of redemption is determined in accordance with section 33. However, the pensionable salary is that of the first year in which, after having been a Member of the National Assembly, the employee was a member of this pension plan, the Teachers Pension Plan, the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan. This amount is payable in accordance with section 30.

“38. An employee who did not pay contributions to the Civil Service Superannuation Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Certain Teachers before 1 January 1987 but who began

to pay contributions to any of those plans or to the Pension Plan of Management Personnel after that date may, if an application is made within 12 months of the date on which the employee began to pay contributions to any of those plans, be credited with years and parts of a year of active service in the regular Canadian Forces or the forces levied by Canada in wartime within the meaning of the Canadian Forces Superannuation Act (Revised Statutes of Canada, 1985, chapter C-17), provided the employee is not receiving pension benefits under that Act. An employee who never paid contributions to any of those plans may purchase those years and parts of a year of active service by applying for such purchase within 12 months of the date on which the employee begins to pay contributions to this plan.

The amount required of the employee to pay the cost of redemption is determined in accordance with section 33. However, the pensionable salary is that received by the employee in the regular Canadian Forces during the years and parts of a year of service to be redeemed. This amount is payable in accordance with section 30.

“§ 2. — *Maternity leave*

“**39.** A female employee may be credited with the days and parts of a day of a maternity leave in progress on 1 July 1983 or which began after that date, up to 130 contributory days, if, at the time the leave began, she was holding pensionable employment under the Civil Service Superannuation Plan, even if, while holding that employment, she was a member of the Government and Public Employees Retirement Plan, the Pension Plan of Management Personnel or the Pension Plan of Certain Teachers, provided the leave has not been otherwise credited under this plan.

The days and parts of a day of a maternity leave are credited under this plan without contributions by multiplying them by a factor of 0.87.

The employee may be credited with the days and parts of a day not credited under the second paragraph. The amount required of the employee to pay the cost of redemption is determined in accordance with section 33. This amount is payable in accordance with section 30.

“**40.** A female employee who was granted a maternity leave while she was a member of the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) or while she was a teacher within the meaning of the Teachers Pension Plan may be credited, without contributions and up to 90 contributory days, with the days of a maternity leave which was in progress on 1 July 1965 or which began after that date but ended before 1 July 1976, provided the leave has not been otherwise credited under this plan, and provided the 90-day period allows the employee to complete 95% or more of the school year in which she was granted the maternity leave.

A female employee who was granted a maternity leave may be credited, without contributions and up to 120 contributory days, with the days of a maternity leave that was in progress on 1 July 1976 or which began after that date but ended before 1 July 1983, provided the leave has not been otherwise credited under this plan.

To be credited with the days of the maternity leave, the employee referred to in the first or second paragraph is required to have contributed to the pension fund of officers of education established by Part VIII of the Education Act, the Teachers Pension Plan, the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan within 12 months preceding the beginning of the maternity leave, and to have again contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan within the two years following the year in which the maternity leave ended, even if, in the last two cases, the employee referred to in the first paragraph was not a teacher within the meaning of the Teachers Pension Plan at the time she again contributed.

Contributions paid by the employee to redeem the maternity leave under the provisions relating to the redemption of a leave without pay are refunded without interest if the leave was redeemed while she was an employee for the purposes of the Teachers Pension Plan or the Civil Service Superannuation Plan, and the sums paid by the employee are refunded with interest if the leave was redeemed while she was an employee for the purposes of the Government and Public Employees Retirement Plan. In this last case, interest is compounded annually at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date. However, if the period redeemed in respect of a maternity leave which ended before 1 July 1976 exceeded 100 days, the maternity leave cannot be credited without contributions and the contributions or the sums paid by the employee cannot be refunded. If the period redeemed in respect of a maternity leave which was in progress on 1 July 1976 or which began after that date exceeded the period credited under this section, the balance of the redeemed period remains credited to the account of the employee, even if it is less than 30 days.

“41. An employee who, while she was a member of the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235) or while she was a teacher within the meaning of the Teachers Pension Plan, ceased to be an employee for the purposes of her pension plan by reason of marriage, pregnancy or adoption may, provided, in the last case, the adoption was subsequently recognized for legal purposes by a judgment, be credited with all or part of her years of teaching prior to 1 January 1968 for which she obtained a refund of contributions, if the marriage, pregnancy or adoption occurred in the 12 months preceding or in the 24 months following the date on which she ceased to be covered by her plan.

The amount required of the employee to pay the cost of redemption is determined in accordance with section 33. This amount is payable in accordance with section 30. A pension credit granted under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) for one or more years and parts of a year is cancelled and the amounts paid to obtain the pension credit are refunded with interest, compounded annually at the rates determined in Schedule VI to that Act to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date.

“§ 3. — *Paid training period*

“**41.1.** An employee is entitled to pension credit for the years and parts of a year of past service as a paid trainee, by having such years and parts of a year counted under the plan.

The categories of employees and the rules, terms and conditions applicable to have years and parts of a year of past service as a paid trainee counted, the years and parts of a year of service which may be counted and their number, which may vary with the category of employees, are determined by regulation under subparagraph 11.3 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“**41.2.** The years and parts of a year of service for which pension credit is granted under this subdivision are added, solely for the purposes of pension eligibility, to the years of service credited to an employee under section 15.

“**41.3.** Sections 88, 90 to 93, the second paragraph of section 95 and sections 96 and 97 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) apply to the pension credit obtained under section 41.1, with the necessary modifications.

“**41.4.** The amount that an employee must pay to be entitled to pension credit is determined using the tariff established under section 95 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

The amounts paid by an employee to acquire pension credit are paid into the consolidated revenue fund.

“**41.5.** The years and parts of a year of service for which pension credit is granted are added to the years of service credited to the employee to determine, in the event of death, the entitlement of the spouse to a pension even if the employee died before completing all the payments computed in accordance with section 96 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“41.6. Sections 73.1 to 73.3 and 73.5 to 73.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) apply, with the necessary modifications, to an employee who has acquired pension credit under this subdivision. Any reference to a provision of that Act is a reference to the corresponding provision of this Act.

The pension amounts added under the first paragraph must be within the limits established by regulation. If not, the amounts are adjusted in the manner prescribed by the regulation.

“§ 4. — Employees who were members of the pension plan of the Sûreté du Québec

“41.7. The years and parts of a year of service credited to an employee under the pension plan of the Sûreté du Québec (C.T. 181151 dated 18 August 1992) may be credited under this plan on an actuarially equivalent basis if the employee qualifies for membership in this plan. The employee must no longer have been an employee for the purposes of the pension plan of the Sûreté du Québec for at least 210 days and not have received a refund of contributions nor be a pensioner of that plan. However, the time limit does not apply if the employee simultaneously submits an application for benefits and an application for a transfer under this plan.

The years and parts of a year of service are credited, beginning with the most recent service, until the actuarial value of the benefits established in respect of those years and parts of a year of service under this plan reaches the actuarial value of the benefits accrued under the pension plan of the Sûreté du Québec, without exceeding the service credited or counted under that plan.

The actuarial values of the benefits are determined on the date the Commission receives the transfer application and on the basis of actuarial assumptions and methods determined by regulation.

“41.8. The employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of section 41.7 by paying to the Commission an amount equal to the difference between the actuarial values concerned by these years and parts of a year of service.

The years and parts of a year of service referred to in the first paragraph are credited, beginning with the most recent service.

The amount required of the employee referred to in the first paragraph bears interest, compounded annually, at the rates determined for each period in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the first day of the month following the date on which the actuarial values are established to the date the transfer application is received at the Commission, and at the rate determined in Schedule VII from the day following the latter date to the date of the redemption proposal made by the Commission.

The amount determined under the third paragraph is payable in a lump sum or in instalments over the period and at the times determined by the Commission. If it is paid in instalments, it bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the date the application is received at the Commission, computed from the date on which the redemption proposal expires.

“41.9. The Commission shall refund to a person whose years and parts of a year of service credited under this plan have been transferred to the pension plan of the Sûreté du Québec on an actuarially equivalent basis, the amount, if any, by which the total amount of contributions accrued with interest under sections 71 and 73 exceeds the actuarial value of the benefits accrued under that pension plan.

“§ 5. — Special provisions

“41.10. Despite sections 31, 32, 34 and 39 to 41.6 of this Act, the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) applies to an application for the redemption of years and parts of a year of service in pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel by an employee who is not qualified under this plan and who simultaneously holds pensionable employment under this plan and pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

“41.11. Division III of this chapter applies to an employee or person referred to in section 8.7 or 8.8 who is entitled to a pension under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

With respect to the employee or person referred to in section 8.7 or 8.8, the eligibility for a pension provided for in the third paragraph of section 28 refers to the pension accrued under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

“41.12. The Commission must transfer to a locked-in retirement account, for the employee or person referred to in section 8.7 or 8.8, the actuarial value of the additional benefits referred to in section 66.1 and the actuarial value of the supplementary benefits referred to in section 66.4, determined on the date membership in this plan ceased, established in accordance with section 8.7 or 8.8.

The actuarial values of the benefits are established on the basis of actuarial assumptions and methods determined by regulation, which may vary with the benefits concerned.

The amount transferred under the first paragraph bears interest, compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), computed from the date on which the employee ceases to be a member of the plan until the date the amount is transferred. In the event of death, the amount accrued with interest is paid to the spouse or, if there is no spouse, to the successors.

The amount to be transferred may not exceed the limit established under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement). If the amount exceeds the limit, the excess amount is refunded to the employee. In the event of death, the excess amount is paid to the spouse or, if there is no spouse, to the successors.

For the purposes of this Act, the expression “locked-in retirement account” has the meaning assigned it by the Regulation respecting supplemental pension plans approved by Order in Council 1158-90 (1990, G.O. 2, 2318).

“41.13. The Commission shall refund to an employee or a person referred to in section 8.7 or 8.8 whose years and parts of a year of service credited under this plan have been transferred under section 109.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or under section 138.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), on an actuarially equivalent basis established on the date determined under section 8.7 or 8.8, on which the employee’s or person’s membership in the plan ended, any amount by which the total amount of contributions accumulated with interest under sections 71 to 73, reduced by the actuarial value of the additional or supplementary benefits established in accordance with the first and second paragraphs of section 41.12 of this Act, exceeds the actuarial value of the benefits accrued under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

“41.14. The employee who qualifies for membership in this plan while redeeming service under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) must pay the balance of the redemption costs within 30 days of receiving notice from the Commission to that effect. If the employee does not pay the balance within that time limit, the service is credited under this plan in accordance with section 23, but in proportion to the sums paid by the employee, excluding interest, on the total redemption costs.”

7. Section 42 of the said Act is amended

(1) by replacing “employment, is not an employee for the purposes of this plan, and except for an employee referred to in section 119, from, in the latter case, the date on which the employee’s election not to participate applies” in the second, third and fourth lines of the first paragraph by “employment under this plan, under the Government and Public Employees Retirement Plan or

under the Pension Plan of Management Personnel, is not an employee within the meaning of this plan”;

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

“In addition, the employer shall, in respect of the employee who has qualified for membership in this plan and holds pensionable employment under the second paragraph of section 6, add to the contribution rate determined under the first and second paragraphs an additional contribution rate determined by regulation.

The amount withheld annually may not exceed 9% of the pensionable salary paid to the employee.”

8. The said Act is amended by inserting the following section after section 42:

“**42.0.1.** The employer shall also, in accordance with section 42, withhold an amount equal to the amount the employer would have withheld from the employee’s pensionable salary if the employee had not been absent without pay for a period of 30 consecutive days or less or for a part-time period corresponding to 20% or less of the regular time of a full-time employee holding similar employment.

The terms and conditions applicable to the collection of the amount withheld are determined by the Commission.

However, the first paragraph does not apply to an employee who, under the applicable conditions of employment, is entitled to participate in a time management program providing that the employee is not required to pay contributions to the plan and that such contributions are to be borne by the employer.”

9. The said Act is amended by inserting the following section after section 42.1:

“**42.2.** The employer referred to in the first paragraph of section 31 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the first paragraph of section 44 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) shall pay the employer’s contribution at the same time as the employee contributions to the plan.”

10. The said Act is amended by inserting the following section after section 43.1:

“**43.2.** The amounts paid under sections 42.2 to 43.1 must be qualifying employer premiums within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

11. Section 44 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Subparagraph 5 of the first paragraph applies only to employees referred to in paragraph 1 or 2 of section 1 or to employees, except middle managers, referred to in paragraph 4 of that section, for any period of absence without pay or disability giving entitlement to the application of section 18, in progress on the date of coming into force of a mandatory supplementary salary insurance plan referred to in section 20.”

12. Section 46 of the said Act is amended by replacing “sections 18, 31, 32 and 32.1” in the third line of the third paragraph by “section 21, 39 or 40”.

13. Section 46.1 of the said Act is amended

(1) by adding “in accordance with sections 14 and 16” at the end of the third paragraph;

(2) by replacing “18 and 31” in the second line of the fourth paragraph by “21 and 39”.

14. Section 48 of the said Act is amended

(1) by inserting “Subject to section 143.12,” at the beginning of the first paragraph;

(2) by replacing “section 22” in the fourth line of the first paragraph by “section 4”;

(3) by replacing “of all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits” in the first, second and third lines of the second paragraph by “of the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits under subdivision 4 of Division IV of Chapter II or in application of a transfer agreement entered into under section 133, section 158 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 203 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1)”.

15. Section 56 of the said Act is amended by adding the following paragraph at the end:

“The pension computed under subparagraph 2 of the first paragraph may not exceed 66 2/3% of the pension that the pensioner was receiving or would otherwise have been entitled to receive, or that the employee would have been entitled to receive, after the reduction provided for in section 51.”

16. Section 57 of the said Act is amended

(1) by replacing “in section” in the second line of the first paragraph by “in paragraph 1 of section”;

(2) by replacing “the first paragraph of section 24 and sections 32 and 33” in the eleventh and twelfth lines of the first paragraph by “sections 35, 40 and 41”;

(3) by replacing “or subclass of employees determined under subparagraph 2 of the first paragraph of section 1.1” in the third and fourth lines of the third paragraph by “of employees determined under paragraph 4 of section 1”.

17. Section 59 of the said Act is amended by inserting “, who is a dependent of the pensioner, employee or person at the time of death” after “regulation” in the sixth line of the first paragraph.

18. Section 66.1 of the said Act is amended by striking out “or subcategory” in the fourth line.

19. Section 66.2 of the said Act is amended by inserting “, constituted by the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2),” after “Québec” in the third line of the second paragraph.

20. Section 67 of the said Act is amended by replacing the first paragraph by the following paragraph:

“67. An employee who ceases to be an employee for the purposes of this plan before becoming entitled to a pension or to a deferred pension is entitled, unless the employee again becomes a member of this plan or is a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, and subject to section 74, to the refund of employee contributions with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date.”

21. Section 68 of the said Act is amended

(1) by replacing “the plan” in the third line by “this plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel”;

(2) by adding the following sentence at the end: “However, the 211-day period does not apply if the employee is suffering from an illness which, on the basis of a medical certificate, is likely to lead to death within two years.”

22. Section 70 of the said Act is amended by adding “, with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death and at the rate determined in Schedule VII to that Act from the day following that date” at the end.

23. Section 70.1 of the said Act is replaced by the following section:

“70.1. If the pensioner who dies has no spouse or children entitled to a pension, the contributions are refunded to the employee’s successors, subject to section 74. The same rules apply to a pensioner who dies while eligible for a pension but who has no spouse or children entitled to a pension. However, in the latter case, the contributions are refunded with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death and at the rate determined in Schedule VII to that Act from the day following that date.”

24. Section 71 of the said Act is amended

(1) by replacing the third sentence of the first paragraph by the following sentence: “However, in the case of a transfer of service on an actuarially equivalent basis, if the total amount of the contributions accumulated exceeds the amount of the actuarial value of the benefits accrued under the new pension plan, contributions do not include the amount by which the former exceeds the latter.”;

(2) by replacing “or 136.1” in the last line of the second paragraph by “, 143.11 or 143.21”.

25. Section 72 of the said Act is amended

(1) by replacing “déterminés” in the second line of the first paragraph of the French text by “établis”;

(2) by adding “to the date determined in each of the relevant sections, and at the rate determined in Schedule VII to that Act, in force on that date, unless otherwise provided, from the day following that date. Contributions accrued with interest during the period of application of the rates determined in Schedule VI may not be less than the contributions” at the end of the first sentence of the first paragraph;

(3) by replacing “section 22” in the second line of the second paragraph by “section 143.3”;

(4) by replacing “pursuant to the second paragraph of section 24 and section 133, the interest is computed from the date of the application in the case of section 24 and from the date of the transfer of the funds in the case of

section 133” in the last four lines of the second paragraph by “under sections 41.7 and 133, the interest is computed from the date the sums concerned were transferred”;

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

“For the purposes of this Act, subject to any contrary provision, the word “interest” used alone refers to the interest compounded annually at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan.”

26. Section 73 of the said Act is amended by replacing “the first paragraph of section 24 and section 33” in the last line by “sections 35 and 41”.

27. Section 74 of the said Act is amended by replacing “The balance of the contributions and of any accrued interest bears interest at the rate in force on the date of the refund in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) for every period during which no benefit was paid” in the last five lines of the first paragraph by “For every period during which no benefit was paid, the balance of the contributions and of any accrued interest bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) in force on the first day of the month following the death and computed from that date.”

28. Section 74.1 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The amount referred to in the first paragraph bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the date the application is received at the Commission and computed from that date to the date on which the refund is made.”

29. Section 74.5 of the said Act is amended by replacing “section 3” in the sixth line by “section 7”.

30. Section 74.6 of the said Act is amended by replacing “compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). The interest runs from the date of the refund until” in the fifth, sixth, seventh and eighth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the date the refund is paid to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following the latter date”.

31. Section 74.7 of the said Act is amended

(1) by replacing “compounded annually at the rates determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). The interest runs from the midpoint of each year up” in the seventh, eighth, ninth and tenth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the midpoint of each year to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date”;

(2) by replacing “section 17” in the second last line of the first paragraph by “section 18”.

32. Section 74.8 of the said Act is amended by replacing “Division II” in the fourth line by “Division IV”.

33. Section 75 of the said Act is amended by inserting “or, if the person is a pensioner under this plan, pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel” after “plan” in the second line of the first paragraph.

34. Section 79 of the said Act is amended by replacing “on leave” in the third line of subparagraph 2 of the first paragraph by “absent”.

35. Section 84 of the said Act is amended by replacing “on leave” in the fourth line of paragraph 1 by “absent”.

36. Section 86 of the said Act is amended by replacing “108” in the second line by “109”.

37. Section 89 of the said Act is amended

(1) by replacing “referred to in” in the third line of the first paragraph by “referred to in paragraph 1 of”;

(2) by inserting “pensionable” after “average” in the second line of the second paragraph.

38. Section 91 of the said Act is amended by inserting “pensionable” after “average” in the second line of the first paragraph.

39. Section 94 of the said Act is amended by replacing “108” in the second line by “109”.

40. Section 98.1 of the said Act is amended

(1) by replacing “section 20” in the third line of the third paragraph by “section 28”;

(2) by replacing “of leave” in the second line of the third paragraph by “of absence”.

41. Section 98.2 of the said Act is amended by striking out “and subcategories” in the third line.

42. Section 99 of the said Act is amended

(1) by replacing “Pension Plan of Certain Teachers” in the fifth line by “pension plan of the Sûreté du Québec”;

(2) by replacing “section 23 and the second paragraphs of sections 38 and 39” in the eighth and ninth lines by “sections 23, 25, 39 and 41.7, the first paragraph of section 143.4, the second paragraph of section 143.6, the first paragraph of sections 143.7, 143.15 and 143.16, the third paragraph of section 143.23 and the fourth paragraph of section 143.24”;

(3) by replacing “section 40” in the last line by “section 26, the third paragraph of section 39, Chapter IX.1”.

43. Section 102 of the said Act is amended

(1) by replacing “In no case may a pension granted after 10 years of credited service, except a child’s pension or a pension under section 62, be less than \$3 836” in the first and second lines of the first paragraph by “The spouse’s pension referred to in section 56, granted after 10 years of service were credited to the pensioner or to the employee entitled to a pension, may not be less than \$5,878”;

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

“When the pension is less than the amount determined in this section, the spouse is entitled to receive, in respect of the years before 1 January 1992, 66 2/3% of the pension that the pensioner was receiving or would otherwise have been entitled to receive or that the employee would have been entitled to receive. Calculation of that pension must take paragraphs 1 and 2 of section 56 into account. However, the amount determined under this section must not be exceeded.”

44. Chapter V of the said Act, comprising sections 106 to 125, is replaced by the following chapter:

“CHAPTER V

“RETURN TO WORK OF A PENSIONER

“**106.** This chapter applies to

(1) a pensioner under this plan;

(2) a pensioner under both this plan and the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel. In this case, Chapter VII of Title I of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or Chapter VII of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) does not apply to the pensioner;

(3) a person who is not a pensioner under this plan but who is entitled to a deferred pension under this plan, who receives the early payment of a deferred pension under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel and who again holds pensionable employment under this plan.

However, this chapter does not apply in a case where the rules provided for under subdivision 1 or 2 of Division V of Chapter IV apply, or to a pensioner from 31 December of the year in which the pensioner attains 69 years of age or to a pension granted to a spouse.

“107. A pensioner who again holds pensionable employment under this plan before the age of 65, or who holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, continues to receive the benefits referred to in the first paragraph of section 82 until the age of 65. If the pensioner continues to hold that employment at the age of 65 or over or again holds employment after attaining that age, payment of benefits ceases.

The Government determines by regulation the terms and conditions relating to the return to work in pensionable employment under this plan of a pensioner referred to in section 4, other than a pensioner under this plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

“108. Sections 116, 117 and the first paragraph of section 118, as they read before 1 January 2005, continue to apply with respect to the person referred to in subparagraph 3 of the first paragraph of section 106 while the person again holds pensionable employment under this plan before the age of 65.

If an employee continues to hold pensionable employment under this plan at the age of 65, payment of the benefits referred to in the first paragraph of section 82 ceases.

“109. If the pensioner or the person referred to in the first paragraph of section 106 ceases to hold employment and is entitled to receive payment of the benefits accrued, any amount of such benefits the payment of which had ceased must be indexed or adjusted in accordance with the plan concerned.”

45. Section 126 of the said Act is amended

(1) by replacing “in sections 32 and 33” in the second line of the second paragraph by “in sections 40 and 41”;

(2) by replacing “section 32” in the sixth line of the second paragraph by “section 40”.

46. Section 128 of the said Act is amended by striking out the last sentence.

47. Section 130 of the said Act is amended

(1) by replacing “section 1.1, the classes or subclasses” in the first line of paragraph 0.1 by “paragraph 4 of section 1, the classes”;

(2) by inserting “, for the purposes of paragraph 6 of section 3,” after “determine” in the first line of paragraph 1;

(3) by replacing “in section 23” in the second line of paragraph 3 by “in sections 23, 41.7 and 41.12”;

(4) by inserting the following paragraph after paragraph 3.1:

“(3.2) determine an additional contribution rate for the purposes of the third paragraph of section 42;”;

(5) by striking out “ or subcategories” in the first and second lines of paragraph 7.1;

(6) by striking out “ or subcategory” in the last line of paragraph 7.1;

(7) by striking out “and subcategories “ in the second and third lines of paragraph 7.4;

(8) by replacing “and the rules and procedures for computing the pension” in the second and third lines of paragraph 10 by “the rules and procedures for computing the pension, and the conditions for applying those limits, rules and procedures”;

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

“(13) determine, for the purposes of section 107, the terms and conditions relating to the return to work in pensionable employment under this plan of a pensioner referred to in section 4, except for a pensioner under this plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel;

“(14) establish, for the purposes of section 143.19, the procedures for the computation of the annual basic salary.”

48. Section 132 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Even if no application for payment is made, the Commission may pay a benefit under this plan on the date on which it is or becomes payable without actuarial reduction. Such a benefit is paid not later than 31 December of the year in which the employee attains 69 years of age or, if the employee continues to hold pensionable employment under the plan on that date, as of the date on which the employee retires.”

49. Section 132.1 of the said Act is amended by striking out the last sentence of the third paragraph.

50. Section 132.1.1 of the said Act is amended

(1) by replacing “mailed” in the sixth line of the first paragraph by “sent”;

(2) by replacing “Schedule VI” in the fourth line of the second paragraph by “Schedule VII”.

51. Section 132.2 of the said Act is amended

(1) by inserting “Despite any inconsistent provision of this Act,” at the beginning of the first paragraph;

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

“For the purposes of the first paragraph, the Government may determine by regulation the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, the rules and procedures for computing that part of the pension that relates to the years and parts of a year redeemed, and the conditions governing the application of those limits, rules and procedures.”

52. Section 132.3 of the said Act is replaced by the following section:

132.3. The periods of absence of an employee which may be credited under this plan are, for each type of absence and in total, determined by regulation and may vary with the year during which the employee was absent.”

53. Section 133 of the said Act is amended by replacing “in the second paragraph of section 40” in the last line of the first paragraph by “in section 30”.

54. Division II of Chapter VIII of the said Act, comprising sections 135 to 139, is replaced by the following division:

“DIVISION II**“TRANSFER OF FUNDS**

“135. Sums paid into the Caisse de dépôt et placement du Québec under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) with respect to the years and parts of a year credited to the employee under section 24, are transferred to the consolidated revenue fund, except the employer’s contributions paid under sections 31 to 31.2 of the Act respecting the Government and Public Employees Retirement Plan or sections 44 to 46 of the Act respecting the Pension Plan of Management Personnel.

The transferred sums bear interest from the midpoint of the year in which they were paid until the date of the transfer, except sums transferred under section 102 of the Act respecting the Government and Public Employees Retirement Plan which bear interest from the date of the transfer. Interest is compounded annually at the rates determined, for each period, in Schedule VI to that Act.

“136. Subject to section 139, the Commission shall transfer to the consolidated revenue fund, with respect to the years and parts of a year of service credited to the employee under section 23, the actuarial value of any benefits accrued to the employee under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, in respect of the years and parts of a year of service for which contributions or sums paid by the employee have been deposited in the Caisse de dépôt et placement du Québec without, however, exceeding the actuarial value of the equivalent benefits to which the employee is entitled under this plan. The actuarial values are those established under section 23 in respect of those years and parts of a year of service.

The contributions and sums transferred under the first paragraph bear interest, compounded annually, at the rates determined, for each period, in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), section 406 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) and Schedule VII to that Act, from the day following the date on which the employee qualified for membership in this plan until the date on which the sums are transferred to the consolidated revenue fund. The sums are taken out of the relevant funds of the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in Division II of Chapter IX of Title I of the Act respecting the Government and Public Employees Retirement Plan or Division II of Chapter X of the Act respecting the Pension Plan of Management Personnel.

“137. The Commission must deposit in the Caisse de dépôt et placement du Québec the actuarial value of the benefits accrued under this plan, with respect to the years and parts of a year of service that were credited to an

employee under this plan and transferred under section 109.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 138.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), less the amount established under the first and second paragraphs of section 41.12 without, however, exceeding the actuarial value of the equivalent benefits to which the employee is entitled under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel. The actuarial values are those established under that section 109.2 or 138.1.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan or section 406 of the Act respecting the Pension Plan of Management Personnel and Schedule VII to that Act, from the date the employee's or person's membership, established under section 8.7 or 8.8 of this Act, is deemed to have ceased until the date on which the sums are deposited in the Caisse de dépôt et placement du Québec. The sums are paid to the Caisse, into the funds and in the proportions determined under the second paragraph of section 130 or, as the case may be, section 131.1 of the Act respecting the Government and Public Employees Retirement Plan or under the second paragraph of section 180 or, as the case may be, section 181 of the Act respecting the Pension Plan of Management Personnel.

“138. When the date the employee's or person's membership in this plan, established under section 8, is later than the date established under section 3.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), section 9 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), section 2.2 of the Act respecting the Teachers Pension Plan (chapter R-11) or section 55.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), the Commission must deposit in the Caisse de dépôt et placement du Québec, with respect to the employee or person referred to in section 8.7 or 8.8 of this Act, an amount equal to the amount by which the actuarial value of the benefits accrued under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel exceeds the actuarial value of those accrued benefits determined by replacing the annual pensionable salary under this plan for one of the years during which the employee or person was not a member of one of the other plans for the purpose of establishing the average pensionable salary by the annual pensionable salary of the last year during which the employee or person was credited with service under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, which must be projected until this year according to the actuarial assumptions provided for in section 109.2 of the Act respecting the Government and Public Employees Retirement Plan or section 138.1 of the Act respecting the Pension Plan of Management Personnel.

The second paragraph of section 137 applies to the amount determined under the first paragraph of this section.

139. When the transfer of years and parts of a year of service is cancelled under section 25, the Commission must transfer the sums that were initially deposited in the Caisse de dépôt et placement du Québec under sections 138 and 138.1 of this Act, as they read before 1 January 2005, to the consolidated revenue fund as though sections 138 and 138.1 had not applied. These sums bear interest in accordance with the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel from the date they are deposited in the Caisse de dépôt et placement du Québec until the date they are transferred to the consolidated revenue fund.

When the transfer of years and parts of a year of service is cancelled under section 109.3 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 138.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Commission must transfer the sums that were initially deposited in the consolidated revenue fund under sections 135 to 136.1, as they read before 1 January 2005, to the Caisse de dépôt et placement du Québec as though sections 135 to 136.1 had not applied. These sums bear interest in accordance with this plan from the date they were transferred to the consolidated revenue fund until the date they are deposited in the Caisse de dépôt et placement du Québec.”

55. Section 140 of the said Act is amended by replacing “of the mailing of the decision” in the first and second lines of the second paragraph by “after the date the decision is sent”.

56. Section 143 of the said Act is amended by replacing “mailed” in the second line by “sent”.

57. The said Act is amended by inserting the following chapter after section 143:

“CHAPTER IX.1

“SPECIAL PROVISIONS APPLICABLE TO CERTAIN EMPLOYEES WHO WERE MEMBERS OF THE PLAN BEFORE 1 JANUARY 2005 WITH RESPECT TO SERVICE PRIOR TO THAT DATE

“DIVISION I

“SCOPE

143.1. This chapter applies to a person who was a member only of this plan, or to an employee or a person who was a member successively or simultaneously of this plan and another plan referred to in this chapter before 1 January 2005, with respect to the years and parts of a year of service before that date.

This chapter does not apply to a pensioner referred to in section 4 who became a pensioner before 1 January 2005 or to a person whose benefits under

a plan referred to in this chapter were settled before that date either under a transfer agreement or following a refund of contributions.

The provisions of this chapter prevail over any inconsistent provisions of this Act, the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

“143.2. Division III of Chapter I applies to a person who was a member of this plan, including a person whose years and parts of a year of service credited under this plan were credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before 1 January 2005 under section 115.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 149 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as it read before 1 January 2005.

“DIVISION II

“SERVICE PRIOR TO 1 JANUARY 1988 OR 1 JANUARY 1992 CREDITED IN FULL

“143.3. The years and parts of a year of service prior to 1 January 1988 credited to an employee or a person who, on 31 December 1987, was a peace officer included in the bargaining unit referred to in paragraph 1 of section 1 and who became an employee for the purposes of this plan on 1 January 1988, or the years and parts of a year of service prior to 1 January 1992 credited to an employee or a person who, on 31 December 1991, was a middle manager holding employment in a house of detention and who became an employee for the purposes of this plan on 1 January 1992, under the pension fund of officers of education established by Part VIII of the Education Act (Revised Statutes of Québec, 1964, chapter 235), the Teachers Pension Plan, the Civil Service Superannuation Plan, the Pension Plan of Certain Teachers, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel must be credited in full under this plan, unless the contributions have been refunded to the employee or person.

Furthermore, the years and parts of a year of service prior to 1 January 1988 or 1 January 1992 credited under this plan in accordance with the first paragraph of section 39, as it read before 1 January 2005, must be credited in full under this plan to the employee or person referred to in the first paragraph unless the contributions have been refunded.

“DIVISION III

“SUCCESSIVE MEMBERSHIP

“143.4. In respect of an employee or a person, who is not referred to in section 143.3, who was a member of the Government and Public Employees

Retirement Plan, the Pension Plan of Management Personnel, the Teachers Pension Plan or the Civil Service Superannuation Plan and who subsequently became a member of this plan before 1 January 2005, the years and parts of a year of service referred to in the second paragraph of section 22 and in section 23, as they read before 1 January 2005, must be credited under this plan in accordance with section 23 on the date the employee or person began contributing to this plan.

The first paragraph of section 40, as it read before 1 January 2005, applies to the employee. However, with respect to a redemption proposal sent by the Commission after 31 December 2004, the rates of interest that apply are:

- (1) 5.34% for each year and part of a year before 1 June 2001;
- (2) the rates determined for each period in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from 1 June 2001 to 31 December 2006;
- (3) the rates determined for each period in Schedule VI to that Act from 1 January 2007 until the date of the redemption proposal sent by the Commission.

The years and parts of a year of service referred to in the second paragraph are credited beginning with the most recent service.

The amount required of the employee to pay the cost of the redemption is payable either in a lump sum or in instalments over the period and at the intervals determined by the Commission. An amount paid in instalments bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the date the Commission receives the application for redemption and computed from the date on which the redemption proposal made by the Commission expires.

Section 115.9 of the Act respecting the Government and Public Employees Retirement Plan or section 151 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as it read before 1 January 2005, applies as necessary.

“143.5. In respect of a person who was a member of this plan and who subsequently became a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before 1 January 2005, years and parts of a year of service referred to in section 115.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 149 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as it read before 1 January 2005, and the years and parts of a year of service for which pension credit was granted to the person under this plan, must be credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, in accordance with that section 115.7 or 149.

The first paragraph of section 115.8 of the Act respecting the Government and Public Employees Retirement Plan or the first paragraph of section 150 of the Act respecting the Pension Plan of Management Personnel, as it read before 1 January 2005, and the third and fourth paragraphs of section 143.4 of this Act apply to the person who is a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

Section 41, as it read before 1 January 2005, applies as necessary.

“143.6. In respect of an employee or a person who was a member of this plan and who subsequently became a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, and who, before 1 January 2005, again became a member of this plan, the years and parts of a year of service credited under this plan and the years and parts of a year of service for which pension credit was granted under this plan and which were credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before 1 January 2005 under section 115.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 149 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as it read before 1 January 2005, must be credited again under this plan as though that section 115.7 or 149 had not applied. However, the years and parts of a year of service counted under this plan and for which pension credit was granted are credited to the employee or person on that date in accordance with section 23 of this Act as it read before 1 January 2005.

However, if the employee or person received a refund of contributions under section 41, as it read before 1 January 2005, the years and parts of a year of service are credited under this plan in proportion to the amount of the actuarial value of the benefits accrued under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel over the total amount of contributions accumulated with interest under sections 71 to 73, as they read before 1 January 2005. These amounts are those used for the purposes of section 41.

The employee referred to in the second paragraph may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of that second paragraph by paying to the Commission an amount equal to the refund paid under section 41. The amount bears interest, compounded annually, at the rates determined for each period under the second paragraph of section 143.4 from the date on which the Commission paid the refund until the date of the redemption proposal made by the Commission. The third and fourth paragraphs of section 143.4 apply.

The Commission refunds the employee or person any sums paid under section 115.8 of the Act respecting the Government and Public Employees Retirement Plan or section 150 of the Act respecting the Pension Plan of Management Personnel, as it read before 1 January 2005, with interest computed in accordance with the applicable pension plan.

“143.7. In respect of an employee or a person referred to in section 143.6, the years and parts of a year of service credited to the employee under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) or the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and the years and parts of a year of service for which pension credit was granted under the latter Act must be credited under this plan in accordance with the first paragraph of section 143.4. However, these years and parts of a year of service are credited on the last date on which the employee or person once again began contributing to this plan before 1 January 2005.

However, in respect of an employee or a person referred to in sections 143.3 and 143.8 and who subsequently becomes an employee or person referred to in section 143.6, the years and parts of a year of service credited under the Act respecting the Pension Plan of Management Personnel or the Act respecting the Government and Public Employees Retirement Plan or counted under the latter Act, must again be credited under this plan in accordance with section 143.3 if they are referred to in that section, or in accordance with the first paragraph of this section if they are not referred to in section 143.3.

Furthermore, the second, third and fourth paragraphs of section 143.4 and, where necessary, the fifth paragraph of that section apply.

“143.8. In respect of a person who was a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, who subsequently became a member of this plan and who, before 1 January 2005, again became a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, the years and parts of a year of service credited under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) or the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and the years and parts of a year of service for which pension credit was granted under the latter Act before 1 January 2005 and which were credited under this plan under sections 22 and 23, as they read before 1 January 2005, or section 143.3 or 143.4 of this Act must be once again credited under the Pension Plan of Management Personnel or the Government and Public Employees Retirement Plan or, as the case may be, counted again under the latter plan, as though those sections had not applied.

However, if the person received a refund of contributions under section 115.9 of the Act respecting the Government and Public Employees Retirement Plan or section 151 of the Act respecting the Pension Plan of Management Personnel, as it read before 1 January 2005, the years and parts of a year of service are credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, in proportion to the amount of the actuarial value of benefits accrued under this plan over the total amount of contributions accumulated under sections 50, 55, 218 and 219 of the Act respecting the Government and Public Employees Retirement Plan or sections 73, 77, 205, 206 and 406 of the Act respecting the Pension Plan of Management Personnel, as they read before 1 January 2005. The amounts are those used for the purposes of that section 115.9 or 151.

The person referred to in the second paragraph who was a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of that second paragraph by paying to the Commission an amount equal to the refund. The second and third paragraphs of section 143.5 apply. However, the interest on the amount is computed from the date on which the Commission paid the refund.

The Commission refunds to the person any sums paid under section 40, as it read before 1 January 2005. The amounts bear interest computed in accordance with sections 71 to 73.

“143.9. In respect of a person referred to in section 143.8, the years and parts of a year of service credited under this plan and the years and parts of a year of service for which pension credit was granted under this plan must be credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, in accordance with the first paragraph of section 143.5. However, these years and parts of a year of service are credited on the last date on which the person once again began contributing to the Government and Public Employees Retirement Plan or to the Pension Plan of Management Personnel.

Furthermore, the second and, where necessary, the third paragraph of section 143.5 apply.

“143.10. In respect of a person who was a member of the Teachers Pension Plan or the Civil Service Superannuation Plan and who subsequently became a member of this plan and who, before 1 January 2005, became a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, the years and parts of a year of service credited under this plan must be credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel in accordance with the first paragraph of section 143.5.

Furthermore, the second and, where necessary, the third paragraph of section 143.5 apply.

“143.11. Sections 135 to 138.1, as they read before 1 January 2005, apply, with the necessary modifications, to any sums to be transferred under sections 143.3 to 143.10.

When the transfer of years and parts of a year of service is cancelled under section 143.6, the Commission must transfer the sums that were initially deposited in the Caisse de dépôt et placement du Québec under sections 138 and 138.1, as they read before 1 January 2005, to the consolidated revenue fund as though sections 138 and 138.1 had not applied. The sums bear interest computed in accordance with the Government and Public Employees

Retirement Plan or the Pension Plan of Management Personnel from the date they were deposited in the Caisse de dépôt et placement du Québec until the date of transfer to the consolidated revenue fund.

When the transfer of years and parts of a year of service is cancelled under section 143.8, the Commission must transfer the sums that were initially deposited in the consolidated revenue fund under sections 135 to 136.1, as they read before 1 January 2005, to the Caisse de dépôt et placement du Québec as though sections 135 and 136 or 136.1 had not applied. The sums bear interest computed in accordance with this plan from the date they were transferred to the consolidated revenue fund until the date they were deposited in the Caisse de dépôt et placement du Québec.

In the case of a refund under the fourth paragraph of section 143.6, the Commission must take the sums out of the relevant funds of the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in Division II of Chapter IX of Title I of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or Division II of Chapter X of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1). In the case of a refund under the fourth paragraph of section 143.8, the Commission must take the sums out of the consolidated revenue fund.

“143.12. Section 48 of this Act, section 36.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and section 54 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as they read before 1 January 2005, continue to apply with respect to the years and parts of a year of service contemplated under this division.

“DIVISION IV

“SIMULTANEOUS MEMBERSHIP

“143.13. The date on which an employee or a person who simultaneously holds or held pensionable employment under this plan and under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel qualifies for membership in this plan is 31 December of the year during which the employee or person accumulated the service required. If, in respect of an employee or a person referred to in section 143.3, this date is prior to the date the employee or person began contributing to this plan, that employee or person becomes qualified on 31 December of the year during which contribution to that plan began.

“143.14. If, on 31 December 2004, an employee simultaneously holds, or if, before 1 January 2005, an employee or a person simultaneously held, pensionable employment under this plan and under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, the total service credited under this plan and under the Government

and Public Employees Retirement Plan or the Pension Plan of Management Personnel for each year prior to 1 January 2005 during which the employee or the person simultaneously held pensionable employment or, if the employee or the person qualifies for membership, for the year the employee or person qualified for membership and for each year prior to that year during which the employee or person simultaneously held such employments, may not exceed one year.

Sections 15 and 17 of this Act, section 20.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and section 33.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) apply with respect to each year referred to in the first paragraph.

“143.15. Subject to section 143.24, the years and parts of a year of service referred to in section 143.14 that were credited to the employee or person before 1 January 2005 under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) or the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the years and parts of a year of service for which pension credit was granted under the latter Act, before the date on which the employee qualified for membership in this plan, must be credited under this plan in accordance with the second paragraph of section 22 and with section 23, as they read before 1 January 2005, on the day following the date on which the employee or person qualified for membership in this plan.

An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of the first paragraph. The second, third and fourth paragraphs and, where necessary, the fifth paragraph of section 143.4 apply.

The years and parts of a year of service for which pension credit was granted to an employee or person under the Act respecting the Government and Public Employees Retirement Plan after the date on which the employee or person qualified for membership under this plan, but before 1 January 2005, must be credited under this plan on an actuarially equivalent basis established in accordance with section 23, as it read before 1 January 2005, on the day following the date on which the employee or person qualified for membership in this plan.

“143.16. The years and parts of a year of service that were credited while an employee or a person held pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel after the date the employee or person qualified for membership in this plan must be credited under this plan, if the employee or person did not receive a refund of contributions, in proportion to the amount of contributions paid under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel over the amount of contributions that would have been withheld under this Act if service had been accumulated, for each of the years and parts of a year concerned, except those

credited under sections 22 and 221.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or sections 36, 123 and 125 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as they read before 1 January 2005. The years and parts of a year of service are credited beginning with the most recent service.

The contributions that would have been withheld if the employee or person had been a member of this plan are, for the years prior to 1 January 2000, those determined under the first paragraph of section 42 by adding to each of the rates provided for in that paragraph, the additional contribution rate in force on 1 January 2005 applicable under the third paragraph of that section. With respect to the years after 31 December 1999 but prior to 1 January 2005, the contributions are determined under the first and second paragraphs of section 42 by adding to the contribution rate thus established, the additional contribution rate in force on 1 January 2005 applicable under the third paragraph of that section.

For the purposes of this section, contributions paid under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel include the amounts paid by the employee and the amounts from which the employee was exempt for the years and parts of a year concerned, but do not include contributions deducted in excess. These contributions and those that would have been withheld under this plan also include accrued interest, compounded annually, at the rates determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan with respect to contributions paid under that Act and to those withheld under this Act, and under section 406 of the Act respecting the Pension Plan of Management Personnel and in Schedule VII to that Act with respect to contributions paid under that Act. Interest is computed from the midpoint of each year and part of a year concerned until 31 December 2004.

“143.17. An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of the first paragraph of section 143.16. The amount required of the employee to pay the cost of redemption is equal to the contributions that would have been withheld in accordance with the second paragraph of that section. The additional contribution rate is that in force on the date the Commission receives the application for redemption.

The amount bears interest, compounded annually, at the rates determined for each period in the second paragraph of section 143.4. The interest accrues from the midpoint of each year and part of a year concerned until the date of the redemption proposal sent by the Commission. The third and fourth paragraphs of section 143.4 apply to the redemption referred to in this section.

“143.18. The second paragraph of section 6 and sections 14, 16 and 42 apply for each year and part of a year of service credited by reason of sections 143.16 and 143.17 that were subsequent to the year during which the employee or person qualified for membership in this plan and during which

the employee or person held more than one pensionable employment simultaneously under this plan after the date of qualification for membership but before 1 January 2005.

“143.19. The Government may, by regulation, establish the procedures for the computation of the basic annual salary for the years 1988 to 1992 that must be considered when the total service credited is reduced under section 143.18.

“143.20. For the purposes of this division, in respect of the employee or person who qualified for membership in this plan before 1 January 2005, the Commission may, on 31 December 2004, offset the amount of contributions paid in excess under this plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel against, in order, the amounts that may be paid under section 143.17 and which may be reduced under section 143.18, and the amounts that may be paid under the second paragraph of section 143.15. These amounts and contributions accrue with interest in accordance with the pension plan concerned until 31 December 2004. The Commission reimburses to the employee or person, in accordance with the pension plan concerned, any balance of contributions established on 31 December 2004, with interest at the rate determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or Schedule VII to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), depending on whether the balance of contributions is paid under this plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel. Sections 151, 218 and 219 of the Act respecting the Government and Public Employees Retirement Plan and sections 204, 205 and 406 of the Act respecting the Pension Plan of Management Personnel apply.

Sections 191 to 191.2 of the Act respecting the Government and Public Employees Retirement Plan apply, without an application being required, only to an employee who did not qualify for membership in this plan before 1 January 2005.

However, for the purposes of section 151 of the Act respecting the Government and Public Employees Retirement Plan, the application is deemed to have been received at the Commission on 1 July 2006.

“143.21. Sections 135 to 136.1, as they read before 1 January 2005, apply, with the necessary modifications, to any sums to be transferred under sections 143.3 and 143.15.

Sums paid to the Caisse de dépôt et placement du Québec under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) with respect to the years and parts of a year of service credited to the employee under the first paragraph of section 143.16 are transferred to the consolidated revenue fund, except the employer's

contributions paid under sections 31 to 31.2 of the Act respecting the Government and Public Employees Retirement Plan or sections 44 to 46 of the Act respecting the Pension Plan of Management Personnel. Sections 135 to 136.1, as they read before 1 January 2005, apply to the sums transferred under this paragraph.

“DIVISION V

“SPECIAL PROVISIONS

“**143.22.** In respect of the employee or person to whom Divisions III and IV of this chapter both apply, Division III applies before Division IV if successive membership occurs before simultaneous membership. If successive membership occurs after simultaneous membership, only Division IV applies.

“**143.23.** A person qualified for membership in this plan under section 143.2 on 1 January 2005, who held pensionable employment under this plan and pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel in a non-simultaneous manner and who, on 31 December 2004, held pensionable employment under one of those two last plans, shall continue to be a member of the latter plan from 1 January 2005, unless the person elects to become a member of this plan by sending a notice to that effect to the Commission before 30 June 2006.

The years and parts of a year of service credited under this plan and those for which pension credit was granted to the person referred to in the first paragraph who did not elect to become a member of this plan must be credited under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, in accordance with the first paragraph of section 143.5 or 143.9. The second and third paragraphs of this section apply.

If the person referred to in the first paragraph elects to become a member of this plan, membership begins on 1 January 2005. Section 143.3, 143.4, 143.6 or 143.7 applies on that date.

“**143.24.** A person qualified for membership in this plan under section 143.13 before 1 January 2005, who simultaneously held pensionable employment under this plan and pensionable employment under the Government and Public Employees Retirement Plan or under the Pension Plan of Management Personnel and who, on 31 December 2004, held pensionable employment under only one of those two last plans, shall continue to be a member of the latter plan from the day following the date of qualification for membership in this plan, unless the person elects to become a member of this plan by sending a notice to that effect to the Commission before 30 June 2006.

A person qualified for membership in this plan who simultaneously held pensionable employment under this plan and under the Government and Public Employees Retirement Plan or the Pension Plan of Management

Personnel and who, subsequently, but before 1 January 2005, held pensionable employment only under one of the latter two plans, is a member of that plan from the day following the date of qualification for membership in this plan for as long as the person held that employment or is once again a member of that plan if pensionable employment was again held under one of those two plans after the date of qualification but before 1 January 2005, unless the person elects to become a member of this plan by sending a notice to that effect to the Commission before 30 June 2006.

The years and parts of a year of service credited under this plan and those for which pension credit was granted to the person referred to in the first or second paragraph who did not elect to become a member of this plan must be credited under the Pension Plan of Management Personnel or the Government and Public Employees Retirement Plan in accordance with the first paragraph of section 143.5. However, they are credited on the last date on which the person once again began contributing only to one of those plans. The second and third paragraphs of section 143.5 apply.

If the person referred to in the first or second paragraph elects to become a member of this plan, membership begins from the day following the date on which the person qualified for membership under section 143.13. Sections 143.15 to 143.21 apply on that date.

“143.25. The employee referred to in the second paragraph of section 143.23 or the third paragraph of section 143.24 and who again holds pensionable employment under the first paragraph of section 6 after 31 December 2004 qualifies once again for membership in this plan on the first day that employment is held.

“143.26. For the purposes of this chapter, the actuarial assumptions and methods used to establish the actuarial value of the benefits are those determined in section 23, section 115.7 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 149 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), as it read before 1 January 2005.

“143.27. Section 179 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) applies to an application for the review of a decision on years of service and pensionable salary, with respect to the years and parts of a year of service credited or counted under this chapter to the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

“143.28. The employee qualified for membership in this plan, referred to in Division IV, and who, on 31 December 2004, was redeeming years of service under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Act respecting the Teachers Pension Plan (chapter R-11), the Act respecting the Civil Service Superannuation Plan (chapter R-12) or the Act respecting the Pension Plan of Management Personnel

(chapter R-12.1) may continue to pay the cost of the redemption under the conditions provided for in this Act. The years and parts of a year of service are then credited under this plan in accordance with section 143.15 of this Act in proportion, however, to the amounts paid, excluding interest, over the cost of redemption. However, the sums paid by the employee after the date on which those referred to in the first paragraph of section 143.21 are transferred to the consolidated revenue fund are deposited in that fund.

“143.29. The Government may, by regulation, determine special provisions applicable to an employee who, as of 1 January 2005, is a member of this plan and the Pension Plan of Certain Teachers successively or simultaneously, or to a person who, before that date, was a member of this plan and the Pension Plan of Certain Teachers successively or simultaneously. These provisions may be different from those of this Act, except those provided for under Chapter V.1, from those of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), except those provided for under Chapter VI.1, and from those of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), except those provided for in Chapter VII.1 of Title I.

The Government may, by regulation, determine special provisions applicable to an employee or a person who, as of 1 January 2005, is a member of this plan and the Teachers Pension Plan or the Civil Service Superannuation Plan successively or simultaneously, or to a person who, before that date, was a member of this plan and the Teachers Pension Plan or the Civil Service Superannuation Plan successively or simultaneously, other than the employee or person referred to in section 8.8. These provisions may be different from those of this Act, except those provided for under Chapter V.1, from those of the Act respecting the Teachers Pension Plan (chapter R-11), except those provided for under Chapter V.1, from those of the Act respecting the Civil Service Superannuation Plan (chapter R-12), except those provided for under Division III.1, and from those of the Act respecting the Government and Public Employees Retirement Plan, except those provided for in Chapter VII.1 of Title I.

Regulations made under this section may have effect from 1 January 2005.”

58. Section 144 of the said Act is amended by adding the following at the end: “To that end, a person’s entitlements under this plan may not be assigned, encumbered, anticipated, given as security or waived. The fact of reducing the benefits for the purpose of avoiding the revocation of registration of the plan does not constitute a waiver.

The first paragraph does not operate to prevent, to the extent that the plan provides for it, an assignment

(1) under an order, a judgment of a court of competent jurisdiction, or a written agreement on or after the breakdown of a marriage or civil union or of a situation similar to a conjugal relationship between an employee and the

employee's spouse or former spouse, in settlement of rights arising out of the marriage or civil union or situation;

(2) made by the legal representative of a deceased employee, in settlement of a succession.”

59. The said Act is amended by inserting the following sections after section 147.4:

“147.5. Section 20, as it read on 31 December 2004, continues to apply in respect of the employee who agreed to a redemption proposal before 1 January 2005 and in whose respect the third paragraph of section 132.1 applies as of or after that date. The interest rate applicable to the redemption cost paid in instalments is the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“147.6. Section 30 does not apply to an application for redemption received at the Commission before 31 December 2004 if Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) applied on the date of receipt.

“147.7. Section 102, as it read before 1 January 2005, continues to apply in the case of an employee or a pensioner who died before that date.

“147.8. Chapter V, as it read before 1 January 2005, continues to apply with respect to a pensioner referred to in that chapter who held pensionable employment under this plan or pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel on that date and who, on 1 January 2005, continues to hold that employment.

A pensioner who holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel on 31 December 2004 or who held such employment before 1 January 2005 and who, at the time that employment ceased, was entitled to a pension under this plan is deemed, if the pensioner did not apply for benefits under this plan before again holding such employment, to retire in accordance with section 40 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 59 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), unless the pensioner is entitled to a pension with actuarial reduction. In that case, the pensioner is deemed to retire on the first day such employment is again held.

When a pensioner is entitled to a refund of contributions under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel at the time pensionable employment ceases, the refund becomes payable on the first day on which such employment is again held despite sections 49 and 49.1 of the Act respecting the Government and Public

Employees Retirement Plan or sections 71 and 72 of the Act respecting the Pension Plan of Management Personnel. The pensioner entitled to a deferred pension under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel is a member of that plan as long as pensionable employment is again held under the plan.

“147.9. An employee who was redeeming years of service on 31 December 2004 under sections 25, 27, 29 to 33, 35, 37 or 40, as they read before 1 January 2005, continues to pay the cost of the redemption under conditions in force on that date, and sections 22, 23 and 39, as they read before 1 January 2005, continue to apply for the years redeemed.

“147.10. Additional employee contributions and the sums paid under the third paragraph of section 42 are not considered in the accounting of employee contributions.

The additional contribution rate provided for in the third paragraph of section 42 is equal to 1% from 1 January 2005 until a new rate is established by regulation.”

60. Schedule I to the said Act is amended by replacing “(Section 24)” in the heading by “(Section 35)” and “section 24” in the first line of the text by “section 35”.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

61. Section 2 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting “, as it read before 1 January 2005,” after “(chapter R-9.2)” in the fifth line of the second paragraph.

62. Section 18 of the said Act is amended

(1) by striking out the second and third sentences of the first paragraph;

(2) by striking out the third paragraph.

63. Section 34.1 of the said Act is amended by adding “with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death, and at the rate determined in Schedule VII to that Act from the day following the date of death until the date the refund is paid” at the end.

64. Section 34.1.1 of the said Act is replaced by the following section:

“34.1.1. If a pensioner who dies has no spouse entitled to a pension, the contributions are refunded to the employee’s successors, subject to sections 34.12 and 34.13. The same applies to an employee who dies while

eligible for a pension but who has no spouse entitled to a pension. However, in the latter case, the contributions are refunded with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death, and at the rate determined in Schedule VII to that Act from the day following the date of death until the date the refund is paid.”

65. Section 34.2 of the said Act is amended by inserting “with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date until the date the refund is paid,” after “contribution” in the third line of the first paragraph.

66. Section 34.3 of the said Act is amended by adding “with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following that date until the date the refund is paid” at the end of the first sentence of the first paragraph.

67. Section 34.7 of the said Act is amended

(1) by striking out “if he transfers his years and parts of a year of service to the Pension Plan of Peace Officers in Correctional Services, or” in the third and fourth lines of the first paragraph;

(2) by adding “, with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death and at the rate determined in Schedule VII to that Act from the day following the date of death until the date the refund is paid” at the end.

68. Section 34.9 of the said Act is amended

(1) by inserting “retires at the age of 65 and” after “the person” in the first line of the second paragraph;

(2) by inserting the following sentence after the first sentence of the second paragraph: “If the person retires at an age other than 65, the annual value of the original pension paid is adjusted, taking into account the age of the person at the time of retirement according to the actuarial assumptions and methods determined by regulation in accordance with section 53 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).”

69. Section 34.11 of the said Act is amended by replacing “interest” in the first paragraph by “interest at the rates determined in Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) depending on the periods of application of those rates provided for in the relevant sections. Contributions accrued with interest during the period of application of the rates determined in Schedule VI may not be less than the contributions”.

70. Section 34.12 of the said Act is amended by replacing the last sentence of the first paragraph by the following: “For every period during which no amount was paid as pension benefits, the balance of the contributions and any accrued interest bear interest, compounded annually, at the rate determined in Schedule VII in force on the first day of the month following the death and computed from that day.”

71. Section 34.13 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For every period during which no amount was paid as pension credit in a given year or, as the case may be, during the period referred to in section 69 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) under section 36 of this Act, the balance of the amount the person was required to pay bears interest, compounded annually, at the rate determined in Schedule VII in force on the first day of the month following the death and computed from that day.”

72. Section 34.14 of the said Act is replaced by the following section:

“34.14. The interest payable under this division is compounded annually at the rates determined, for each period, in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and at the rate determined in Schedule VII to that Act for the period of application provided for in the relevant sections.

The rate of interest determined in Schedule VII is the rate in force on the day preceding the date the period of application provided for in the relevant sections begins, unless otherwise provided.”

73. Section 34.16 of the said Act is amended

- (1) by striking out “, 115.7” in the fourth line;
- (2) by replacing “sections 149 and” in the fifth line by “section”.

74. Section 41.8 of the said Act is amended

- (1) by replacing “established under section 163” in the second line by “referred to in Division I of Chapter II of Title III”;

(2) by replacing “and the rules and procedures for computing the pension” in the second and third lines of paragraph 6 by “the rules and procedures for computing the pension, and the conditions for applying those limits, rules and procedures”.

75. Section 59.1 of the said Act is amended by replacing “the interest contemplated in section 34.14” in the last two lines of the third paragraph by “interest, compounded annually, at the rate determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)”.

76. Section 59.1.1 of the said Act is amended by replacing “mailed” in the sixth line of the first paragraph by “sent”.

77. Section 59.2 of the said Act is amended

(1) by inserting “Despite any inconsistent provisions in this Act or the Act respecting the Government and Public Employees Retirement Plan (chapter R-10),” at the beginning of the first paragraph;

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

“For the purposes of the first paragraph, the Government may determine by regulation the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, the rules and procedures for computing that part of the pension that relates to the years and parts of a year redeemed, and the conditions governing the application of those limits, rules and procedures.”

78. The second paragraph of section 62 of the said Act is again enacted and therefore reads as follows:

“The provisions of this Act have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

79. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by striking out “section 4.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2),” in the sixth, seventh and eighth lines of paragraph 2.

80. Section 4 of the said Act is amended by replacing “is an employee who is a member of the” in paragraph 8 by “is a member of the”.

81. The said Act is amended by inserting the following section after section 16.1:

“16.2. The pensionable salary of an employee who is released without pay for union activities is the salary paid by a body designated in Schedule II.1.

The body concerned must deduct the contributions from the pensionable salary it pays to the employee and must pay the employer’s contributory amount only on the part of the pensionable salary that exceeds the pensionable salary the employer would have paid if the employee had not been released without pay. The employer referred to in section 31 must pay the contributory amount that would have been paid if the employee had not been released without pay.”

82. Section 18.1 of the said Act is amended

(1) by inserting “for one year of service” after “employee” in the second line of the first paragraph;

(2) by replacing “, without exceeding the salary required to arrive at the limit referred to in the first paragraph, equal” in the third and fourth lines of the second paragraph by “equal, subject to the fourth paragraph,”;

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

“For the purposes of the second paragraph, the pensionable salary must not exceed the result obtained by multiplying the limit referred to in the first paragraph by the service credited to the employee during that year.”

83. The said Act is amended by inserting the following section after section 18.1:

“18.2. For the purposes of this Act, “pensionable salary” refers to the pensionable salary determined under this division. However, section 18.1 is excluded from this reference in respect of the years before 1 January 1992.”

84. The said Act is amended by inserting the following section after section 20.1:

“20.2. Where section 17 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) applies, the service established under sections 19 and 20 is credited up to one year in excess of the service credited under the Pension Plan of Peace Officers in Correctional Services.

Where section 33 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) and section 17 of the Act respecting the Pension Plan of Peace Officers in Correctional Services apply, the service established

under sections 19 and 20 is credited up to one year in excess of the total service credited under sections 15 and 16 of the Act respecting the Pension Plan of Peace Officers in Correctional Services and sections 31 to 33.1 of the Act respecting the Pension Plan of Management Personnel.

The pensionable salary attached to pensionable employment under this plan is the salary determined in accordance with Division I of this chapter, multiplied by the service credited under the first or second paragraph over the service established under sections 19 and 20.”

85. Section 24 of the said Act is amended by replacing the sixth paragraph by the following paragraph:

“An employee who holds another pensionable employment under this plan, or who holds pensionable employment under the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services during part of a period of absence without pay may not be credited with the days and parts of a day during which such employment is held.”

86. Section 24.0.2 of the said Act is amended

(1) by inserting “or the Pension Plan of Peace Officers in Correctional Services” after “Management Personnel” in the second line of the third paragraph;

(2) by inserting “or section 42.0.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “Management Personnel” in the fifth line of the third paragraph.

87. Section 25 of the said Act is amended

(1) by striking out “established under section 14” in the fifth line of the second paragraph;

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

“For the purposes of the second paragraph, the limit provided for in section 18.1 is not applicable to the pensionable salary used to establish the cost of redeeming a period of absence in progress before 1 January 1992.”

88. Section 26 of the said Act is amended by striking out the third paragraph.

89. Section 28 of the said Act is amended

(1) by replacing “at 5%, compounded annually, for the period included between the date of the reimbursement and 30 June 1973 and with interest, compounded annually, at rate determined for each period by this Act,” in the second, third, fourth and fifth lines of the second paragraph by “, compounded

annually, at an annual rate of 5% for the period included between the date of the reimbursement and 30 June 1973 and at the rates determined in Schedule VI”;

(2) by replacing “interest” in the last line of the third paragraph by “interest, compounded annually, at the rates determined in Schedule VI until the date the application is received and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

90. Section 29 of the said Act is amended

(1) by replacing “or the Pension Plan of Management Personnel” in the second and third lines of the first paragraph by “, the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services”;

(2) by replacing “section 43.1 or section 89.4 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) or section 112 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” in the fifth, sixth, seventh and eight lines of the first paragraph by “or section 43.1 or section 89.4 of the Act respecting the Civil Service Superannuation Plan (chapter R-12)”.

91. Section 29.0.1 of the said Act is amended by replacing “employee’s salary” in the third line of the first paragraph by “pensionable salary the employee would have received”.

92. Section 36.0.1 of the said Act is amended by adding “in accordance with sections 18 and 20 or 20.1 or 20.2” at the end of the third paragraph.

93. Section 36.2 of the said Act is amended

(1) by inserting “Subject to section 143.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2),” at the beginning of the first paragraph;

(2) by replacing “all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits” in the first, second and third lines of the second paragraph by “the years and parts of a year of service credited under this plan on an actuarially equivalent basis under Division III.3 of Chapter VI of Title I or in application of a transfer agreement entered into under section 158, section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services or section 203 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1)”.

94. Section 43.2 of the said Act is amended by inserting “, which amount is reduced, where applicable, by the amount established in accordance with the first and second paragraphs of section 41.12 of the Act respecting the Pension

Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “date of death” in the fifth line of the first paragraph.

95. Section 46 of the said Act is amended by adding “, with interest, compounded annually, at the rates determined in Schedule VI until the date of death and at the rate determined in Schedule VII from the day following the date of death until the date the refund is paid” at the end.

96. Section 46.1 of the said Act is amended by replacing “bears interest, compounded annually, at the rates determined for each period by this Act from the date of death of the employee” in the first and second lines of the fourth paragraph by “bears interest at the rate determined in Schedule VII in force on the date of death of the employee and computed from that date”.

97. Section 46.2 of the said Act is replaced by the following section:

“46.2. If the pensioner who dies has no spouse entitled to a pension, the contributions are refunded to the employee’s successors, subject to sections 58 and 59. The same rule applies to an employee who dies while eligible for a pension but who has no spouse entitled to a pension. However, in the latter case, the balance of the contributions, if applicable, or the contributions are refunded with interest, compounded annually, at the rates determined in Schedule VI until the date of death and at the rate determined in Schedule VII from the day following the date of death until the date the refund is paid.”

98. Section 47 of the said Act is amended by adding “with interest, compounded annually, at the rates determined in Schedule VI until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date the refund is paid” at the end of the first sentence of the first paragraph.

99. Section 49.1 of the said Act is amended by inserting “, the Pension Plan of Peace Officers in Correctional Services” after “this plan” in the third line of the first paragraph.

100. Section 50 of the said Act is amended by replacing the last sentence of the first paragraph by the following sentence: “However, if, when service was transferred on an actuarially equivalent basis, the total amount of accumulated contributions exceeded the actuarial value of the benefits accrued under the new pension plan, contributions do not include the amount by which the total amount of accumulated contributions exceeds the actuarial value of the benefits accrued.”

101. Section 53 of the said Act is amended

(1) by inserting “retires at the age of 65 and” after “the employee” in the first line of the second paragraph;

(2) by adding the following sentence at the end: “If the employee retires at an age other than 65, the annual value of the original pension paid is adjusted, taking into account the employee’s age at the time of retirement and the actuarial assumptions and methods determined by regulation.”

102. Section 55 of the said Act is amended by replacing “interest” in the first paragraph by “interest at the rates determined in Schedules VI and VII according to the periods of application of those rates provided for in the relevant sections. Contributions accrued with interest during the period of application of the rates determined in Schedule VI may not be less than the contributions.”

103. Section 58 of the said Act is amended

(1) by inserting “and by any amount determined under the first and second paragraphs of section 41.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “to be paid” in the eighth line of the first paragraph;

(2) by replacing the last sentence of the first paragraph by the following sentence: “For every period during which no amount was paid as pension benefits, the balance of the contributions and any accrued interest bear interest, compounded annually, at the rate determined in Schedule VII in force on the first day of the month following the death and computed from that day.”

104. Section 59 of the said Act is amended

(1) by replacing “with accrued interest to his spouse or, if he has no spouse, to his successors” in the third and fourth lines of the first paragraph by “to the employee’s spouse or, if the employee has no spouse, to the employee’s successors with interest, compounded annually, at the rates determined in Schedule VI until the date of death and at the rate determined in Schedule VII from the day following the date of death until the date the refund is paid”;

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

“For every period during which no amount was paid as pension credit in a given year or, as the case may be, during the period referred to in section 69, the balance of the amount the employee was required to pay bears interest, compounded annually, at the rate determined in Schedule VII in force on the first day of the month following the death and computed from that day.”

105. Section 59.1 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“The amount referred to in the first paragraph bears interest, compounded annually, at the rate determined in Schedule VII in force on the date the application is received at the Commission and computed from that date until the date on which the refund is made.”

106. Section 59.2 of the said Act is amended by replacing “with interest accumulated up to the date on which the refund is made” in the last two lines by “with interest, compounded annually, at the rates determined in Schedule VI until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

107. Section 59.5 of the said Act is amended by replacing “compounded annually, at the rates determined for each period by this Act. The interest runs from the date of the refund” in the fifth and sixth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VI from the date the refund is paid until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following the latter date”.

108. Section 59.6 of the said Act is amended by replacing “compounded annually, at the rates determined for each period by this Act. The interest runs from the midpoint of each year” in the sixth and seventh lines of the first paragraph by “compounded annually, at the rates determined in Schedule VI from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date”.

109. Section 59.6.0.1 of the said Act is amended by replacing “compounded annually, at the rates determined for each period by this Act. The interest runs from the date of the refund” in the sixth, seventh and eighth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VI from the date the refund is paid until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following the latter date”.

110. Section 59.6.0.2 of the said Act is amended by replacing “compounded annually, at the rates determined for each period by this Act. The interest runs from the midpoint of each year” in the eighth and ninth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VI from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date”.

111. Section 60 of the said Act is amended by inserting “the Pension Plan of Peace Officers in Correctional Services or” after “employment under” in the third line of the first paragraph.

112. Section 73.7 of the said Act is amended by inserting “the Pension Plan of Peace Officers in Correctional Services or” after “employment under” in the ninth line of the first paragraph.

113. Section 74.2 of the said Act is amended by striking out “and subcategories” in the third line.

114. Section 75 of the said Act is amended

(1) by inserting “pension plan of the Sûreté du Québec, the” after “the” in the seventh line of the first paragraph;

(2) by replacing “section 115.7” in the eleventh line of the first paragraph by “section 109.2, the second paragraph of section 109.3 and section 109.8 of this Act, and section 143.5, the second paragraph of section 143.8, sections 143.9 and 143.10, the second paragraph of section 143.23 and the third paragraph of section 143.24 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)”;

(3) by replacing “section 115.8” in the next to last line of the first paragraph by “sections 109.4 and 109.9 of this Act or Chapter IX.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services”.

115. Section 85.1 of the said Act is amended by inserting the following sentence after the first sentence of the fourth paragraph: “In this last case, the interest is compounded annually, at the rates determined in Schedule VI until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

116. Section 85.3 of the said Act is amended

(1) by inserting “, without taking the limit provided for in section 18.1 into account,” after “salary” in the third line of the second paragraph;

(2) by replacing “interest” in the last line of the third paragraph by “interest, compounded annually, at the rates determined in Schedule VI until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

117. Section 85.4 of the said Act is amended by replacing “established pursuant to section 217” in the third line by “determined in Schedule VI”.

118. Section 85.5.2 of the said Act is amended by inserting “pensionable” after “deduction from the” in the first line of the first paragraph.

119. Section 85.12 of the said Act is amended by replacing “Division IV of Chapter V” in the first line of the second paragraph by “Chapter V”.

120. Section 85.16 of the said Act is amended by replacing “Division IV of Chapter V” in the fourth line of the first paragraph and in the eighth line of the second paragraph by “Chapter V”.

121. Section 86 of the said Act is amended by striking out “or subcategory” in the third and last lines of the second paragraph.

122. Section 95 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**95.** To be entitled to a pension credit, the employee must pay a sum determined in accordance with the tariff established by regulation. The tariff may vary with the employee’s age on the date the application is received at the Commission and the year of service covered by the pension credit.”

123. Section 101 of the said Act is amended

(1) by replacing “paragraph 3” in the fifth line of the first paragraph by “paragraph 1”;

(2) by inserting “pensionable” after “service and the” in the sixth line of the first paragraph;

(3) by inserting “pensionable” after “service and” in the third line of the second paragraph.

124. The said Act is amended by inserting the following divisions after section 109.1:

“DIVISION III.2

**“EMPLOYEE WHO WAS A MEMBER OF THE PENSION PLAN OF
PEACE OFFICERS IN CORRECTIONAL SERVICES**

“**109.2.** Subject to section 109.3, the years and parts of a year of service credited to an employee or a person referred to in section 8.7 or 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) under the Pension Plan of Peace Officers in Correctional Services, the Teachers Pension Plan or the Civil Service Superannuation Plan and the years and parts of a year of service for which pension credit was granted under that Act, the Act respecting the Teachers Pension Plan (chapter R-11) or the Act respecting the Civil Service Superannuation Plan (chapter R-12) must be credited under this plan on an actuarially equivalent basis established on the date, determined in accordance with that section 8.7 or 8.8, on which the employee’s or person’s membership in this plan ended, if the contributions have not been refunded.

The years and parts of a year of service are credited, beginning with the most recent service, until the actuarial value of the benefits established in respect of those years and parts of a year of service under this plan reaches the actuarial value of the benefits accrued under the other pension plans concerned, without exceeding the total service credited or counted under each of the other plans. The second paragraph of section 35 applies.

When the years and parts of a year of service are credited or counted under more than one of the pension plans referred to in the first paragraph, the total number of years of service credited or counted under each of those plans is used for retirement eligibility purposes to establish the actuarial value of the benefits accrued under each plan.

The actuarial values of the benefits are established on the basis of actuarial assumptions and methods that are determined by regulation and which may vary with the pension plans and benefits concerned.

“109.3. The years and parts of a year of service credited under this plan to an employee referred to in section 109.2 and the years and parts of a year of service for which pension credit was granted under this plan and which were credited under the Pension Plan of Peace Officers in Correctional Services before 1 January 2005, under sections 22 and 23, as they read before 1 January 2005, and section 143.3, 143.4 or 143.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), must be credited or counted once again under this plan on the date, determined in accordance with section 8.7 or 8.8 of that Act, on which the employee’s membership in this plan ended, as though that section 22, 23, 143.3, 143.4 or 143.7 had not applied.

However, if an employee received a refund of contributions under section 115.9 as it read before 1 January 2005, the years and parts of a year of service are credited under this plan in proportion to the amount of the actuarial value of benefits accrued under this plan over the total amount of contributions accumulated under sections 50, 55, 218 and 219 as they read before 1 January 2005. The amounts are those used for the purposes of section 115.9.

The years and parts of a year of service referred to in the first paragraph are credited beginning with the most recent service.

“109.4. An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of section 109.2 by paying to the Commission the difference between the actuarial values of the benefits resulting from those years and parts of a year of service.

An employee referred to in section 109.3 may be credited with all or part of the years and parts of a year of service not credited under this plan by paying to the Commission an amount equal to the refund referred to in that section.

The years and parts of a year of service referred to in the first and second paragraphs are credited beginning with the most recent service.

The amount to be paid by the employee bears interest, compounded annually, at the rates determined in Schedule VI from the date on which the actuarial values are established until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following the date the application is received until the date of the redemption proposal

made by the Commission. However, for the purposes of the second paragraph, interest is computed from the date on which the Commission paid the refund instead of the date on which the actuarial values were established.

The amounts established under this section are payable either in a lump sum or in instalments over the period and at the times determined by the Commission. An amount paid in instalments bears interest, compounded annually, at the rate determined in Schedule VII in force on the date the application is received at the Commission and computed from the date on which the redemption proposal made by the Commission expires.

“109.5. The Commission shall refund with interest to a person who becomes subject to section 25 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) the amounts paid under section 115.8, as it read before 1 January 2005, in order to be credited with the years and parts of a year of service referred to in that section 25.

“109.6. The employee or person who becomes subject to section 8.7 or 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) while redeeming service under that Act must pay the balance of the redemption costs within 30 days of receiving notice from the Commission to that effect. If the employee does not pay the balance within that time limit, the service is credited under this plan in accordance with section 109.2, but in proportion to the sums paid, excluding interest, on the total redemption costs.

“109.7. The Commission shall refund to an employee whose years and parts of a year of service credited under this plan have been transferred to the Pension Plan of Peace Officers in Correctional Services on an actuarially equivalent basis, under section 23 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), any amount by which the total amount of the contributions accumulated with interest under sections 50, 55, 218 and 219 exceeds the amount of the actuarial value of the benefits accrued under that pension plan, if the total amount of those contributions accumulated with interest is at least equal to the actuarial value of the deferred pension accrued under this plan and established in accordance with subparagraph 2 of the first paragraph of section 215.13.

The Commission shall transfer into a locked-in retirement account in respect of an employee whose years and parts of a year of service credited under this plan have been transferred to the Pension Plan of Peace Officers in Correctional Services on an actuarially equivalent basis under section 23 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, any amount by which the actuarial value of the deferred pension accrued under this plan and established in accordance with subparagraph 2 of the first paragraph of section 215.13 exceeds the amount of the actuarial value of the benefits accrued under the Pension Plan of Peace Officers in Correctional Services, if the actuarial value of the deferred pension is greater than the total amount of the contributions accumulated with interest under sections 50, 55, 218 and 219.

“DIVISION III.3**“EMPLOYEE WHO WAS A MEMBER OF THE PENSION PLAN OF THE SÛRETÉ DU QUÉBEC**

“109.8. The years and parts of a year of service credited to an employee under the pension plan of the Sûreté du Québec (C.T. 181151 dated 18 August 1992) may be credited under this plan on an actuarially equivalent basis. The employee must no longer have been an employee for the purposes of the pension plan of the Sûreté du Québec for at least 210 days and must not have received a refund of contributions or be a pensioner under that plan. However, the time limit does not apply if the employee simultaneously applies for benefits and for a transfer of that service under this plan.

The years and parts of a year of service are credited, beginning with the most recent service, until the actuarial value of the benefits established in respect of those years and parts of a year of service under this plan reaches the actuarial value of the benefits accrued under the pension plan of the Sûreté du Québec, without exceeding the service credited or counted under the latter plan.

The actuarial values of the benefits are established on the date the transfer application is received at the Commission on the basis of actuarial assumptions and methods determined by regulation.

“109.9. An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of section 109.8 by paying to the Commission the difference between the actuarial values of the benefits resulting from those years and parts of a year of service.

The years and parts of a year of service referred to in the first paragraph are credited beginning with the most recent service.

The amount to be paid by the employee referred to in the first paragraph bears interest, compounded annually, at the rates determined for each period in Schedule VI from the date on which the actuarial values are established until the date the application for redemption is received at the Commission and at the rate determined in Schedule VII from the day following the date the application is received until the date of the redemption proposal made by the Commission.

The amounts established under the third paragraph are payable either in a lump sum or in instalments over the period and at the times determined by the Commission. An amount paid in instalments bears interest, compounded annually, at the rate determined in Schedule VII in force on the date the application is received at the Commission and computed from the date on which the redemption proposal made by the Commission expires.

“109.10. The Commission shall refund to a person whose years and parts of a year of service credited under this plan have been transferred to the pension plan of the Sûreté du Québec on an actuarially equivalent basis any amount by which the total amount of the contributions accumulated with interest exceeds the amount of the actuarial value of the benefits accrued under that pension plan, if the total amount of the contributions accumulated with interest under sections 50, 55, 218 and 219 is at least equal to the actuarial value of the deferred pension accrued under this plan and established in accordance with subparagraph 2 of the first paragraph of section 215.13.

The Commission shall transfer into a locked-in retirement account in respect of an employee whose years and parts of a year of service credited under this plan have been transferred to the pension plan of the Sûreté du Québec on an actuarially equivalent basis any amount by which the actuarial value of the deferred pension accrued under this plan exceeds the amount of the actuarial value of the benefits accrued under the pension plan of the Sûreté du Québec, if the actuarial value of the deferred pension is greater than the total amount of the contributions accumulated with interest under sections 50, 55, 218 and 219.”

125. Section 114 of the said Act is repealed.

126. Section 114.1 of the said Act is amended by replacing “determined for each period by this Act. The interest accrues from the midpoint of each year” in the fourth and fifth lines of the second paragraph by “determined in Schedule VI from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date”.

127. Section 115.1 of the said Act is amended

(1) by replacing “established under section 14” in the third line of the second paragraph by “, without taking the limit provided for in section 18.1 into account,”;

(2) by replacing “interest” in the last line of the fourth paragraph by “interest, compounded annually, at the rates determined in Schedule VI until the date the application for redemption is received and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

128. Section 115.5 of the said Act is amended

(1) by replacing “increased by interest, compounded annually at the rates determined, for each period, by this Act,” in the fifth line of the first paragraph by “bearing interest”;

(2) by replacing “interest” in the last line of the second paragraph by “interest, compounded annually, at the rates determined in Schedule VI until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

129. Sections 115.7 to 115.9 of the said Act are repealed.

130. Section 116 of the said Act is amended by inserting “or the Pension Plan of Peace Officers in Correctional Services” after “Management Personnel” in the sixth and eleventh lines of the first paragraph.

131. Section 117 of the said Act is amended by inserting “or the Pension Plan of Peace Officers in Correctional Services” after “Personnel” in the sixth line of the first paragraph.

132. Section 121 of the said Act is amended by replacing “interest” in the last line of the second paragraph by “interest, compounded annually, at the rates determined in Schedule VI until the date the employee ceases to hold employment and at the rate determined in Schedule VII from the day following that date until the date the refund is paid”.

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

“**122.0.1.** If a pensioner under this plan is referred to in Chapter V of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), only the provisions provided for in that chapter apply.”

134. Section 124 of the said Act is amended by inserting “pensionable” after “average” in the second and third lines of the second paragraph.

135. Section 128.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“All sums bear interest from the midpoint of the year in which they were paid until the date of the transfer.”

136. The said Act is amended by inserting the following division after section 133.15:

“DIVISION V

“TRANSFER OF FUNDS

“**133.16.** With respect to the years and parts of a year of service credited to an employee under the pension plan of the Sûreté du Québec and transferred in accordance with section 109.8, the Commission must deposit

the actuarial value of the benefits accrued under that plan in the Caisse de dépôt et placement du Québec without, however, exceeding the actuarial value of the equivalent benefits to which the employee is entitled under this plan. The actuarial values are those established under section 109.8.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined in Schedule VI from the date the application for transfer is received at the Commission in accordance with section 109.8 until the date on which the sums are deposited in the Caisse de dépôt et placement du Québec. The sums are paid to the Caisse into the funds and in the proportions determined under the second paragraph of section 130.

“133.17. With respect to the years and parts of a year of service credited to an employee under this plan and transferred to the pension plan of the Sûreté du Québec in accordance with that plan, the Commission must transfer the actuarial value of the benefits accrued under this plan to the consolidated revenue fund without, however, exceeding the actuarial value of the equivalent benefits to which the employee is entitled under the pension plan of the Sûreté du Québec. The actuarial values are those established under section 109.8.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined in Schedule VI from the date the application for transfer is received at the Commission in accordance with the pension plan of the Sûreté du Québec until the date on which the sums are transferred to the consolidated revenue fund. The sums are taken out of the relevant funds of the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in Division II of Chapter IX of Title I.”

137. Section 134 of the said Act is amended

- (1) by striking out subparagraph 4.3 of the first paragraph;
- (2) by inserting the following subparagraph after subparagraph 9 of the first paragraph:

“(9.0.1) determine the actuarial assumptions and methods for the purposes of section 53;”;
- (3) by striking out “and subcategories” in the second and third lines of subparagraph 9.2 of the first paragraph;
- (4) by striking out “or subcategories” in the second line of subparagraph 11.3 of the first paragraph;
- (5) by striking out “or subcategories” in the last line of subparagraph 11.3 of the first paragraph;

(6) by inserting the following subparagraph after subparagraph 11.3 of the first paragraph:

“(11.4) establish, for the purposes of section 95, the pension credit tariff, which may vary with the employee’s age on the date on which the application is received at the Commission and with the year of service covered by the pension credit;”;

(7) by inserting the following subparagraph after subparagraph 13.1 of the first paragraph:

“(13.2) determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in sections 109.2 and 109.8, which may vary with the pension plans and benefits concerned;”;

(8) by striking out subparagraph 14.1 of the first paragraph;

(9) by striking out subparagraph 22.1 of the first paragraph;

(10) by replacing “and the rules and procedures for computing the pension” in the second and third lines of subparagraph 22.2 of the first paragraph by “the rules and procedures for computing the pension, and the conditions governing the application of those limits, rules and procedures”;

(11) by inserting the following subparagraph after subparagraph 22.3 of the first paragraph:

“(22.4) for the purposes of section 217 and for each period indicated, determine the rates of interest in Schedule VI, according to the rules and procedures established and the rates of return on certain categories of amounts referred to in section 127 and designated by the regulation, and the rate of interest in Schedule VII, according to a designated external index and the rules and procedures established;”.

138. Section 137 of the said Act is amended

(1) by replacing “114.1, 115.2 and 115.8” in the first line of subparagraph 1 of the second paragraph by “109.4, 109.9, 114.1 and 115.2”;

(2) by replacing “144, 147 and 150” in the fourth line of the third paragraph by “138.3, 138.8, 144 and 147”.

139. Section 138 of the said Act is amended by replacing “a vice-chairman” in the fifth line of the first paragraph by “two vice-chairmen”.

140. Section 139 of the said Act is amended by replacing “vice-chairman” in the first line by “vice-chairmen”.

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

“**140.** The chairman shall designate one of the vice-chairmen to step in if required. If the chairman is unable to act, the Minister shall designate a replacement.”

142. Section 141 of the said Act is amended by replacing “vice-chairman” in the first line by “vice-chairmen”.

143. Section 142 of the said Act is amended by replacing “vice-chairman” in the last line by “vice-chairmen”.

144. Section 144 of the said Act is amended by replacing “vice-chairman” in the second line of the first paragraph by “vice-chairmen”.

145. Section 145 of the said Act is amended by replacing “the vice-chairman” in the second line by “one of the vice-chairmen”.

146. Section 147.0.4 of the said Act is amended

(1) by replacing “; however, it applies to a decision concerning a person’s qualification for benefits under that plan” in the third and fourth lines of the last paragraph by “or the Pension Plan of Peace Officers in Correctional Services; however, it applies to a decision concerning a person’s qualification for membership in one of those plans”;

(2) by adding “if the pension plan of which the person should have been a member is the Government and Public Employees Retirement Plan” at the end of the fifth paragraph.

147. Section 151 of the said Act is amended

(1) by replacing “1 July” in the fourth line of the first paragraph by “the midpoint”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “The interest is compounded annually at the rate determined in Schedule VII in force on the date of payment unless another rate in that Schedule already applies on that date, in which case that last rate continues to apply.”;

(3) by replacing the second sentence of the second paragraph by the following sentence: “However, in the case of the plan created by this Act, the Pension Plan of Peace Officers in Correctional Services and the pension plan of the Sûreté du Québec, contributions deducted in excess in a given year are reimbursed with interest, compounded annually, at the rates determined in Schedule VI from the midpoint of the following year until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date of payment. In the case of the Pension Plan of Management Personnel, contributions deducted in excess in a given year are reimbursed with interest, compounded annually, at

the rates determined in Schedule VII to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) from the midpoint of the following year until the date the application is received at the Commission and at the rate determined in Schedule VIII to that Act, in force on that date, from the day following that date until the date of payment.”

148. Section 153 of the said Act is amended by replacing “does not bear interest until” in the second line by “bears interest, compounded annually, at the rate determined in Schedule VII in force on the date of payment from”.

149. Section 158 of the said Act is amended by replacing “second paragraph of section 115.8” in the last line of the first paragraph by “fifth paragraph of section 109.4”.

150. Section 158.0.2 of the said Act is amended by striking out “at the rate fixed in Schedule VI” in paragraph 1.

151. Section 158.7 of the said Act is repealed.

152. Section 167 of the said Act is amended by replacing “vice-chairman” in the second line of the second paragraph by “vice-chairmen”.

153. Section 173.0.1 of the said Act is amended by replacing “vice-chairman, except where he replaces” in the first line by “vice-chairmen, except one replacing”.

154. Section 179 of the said Act is amended by replacing “of mailing of such decision” in the first and second lines of the second paragraph by “the decision is sent”.

155. Section 181 of the said Act is amended by replacing “mailed” in the second line by “sent”.

156. Section 190 of the said Act is amended by replacing “with interest any contribution deducted in excess” in the third line of the first paragraph by “the contributions deducted in excess with any interest accrued in accordance with the pension plan concerned”.

157. Section 191 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“If, during any of those years, a person simultaneously held more than one pensionable employment under the same retirement plan, simultaneously held a pensionable employment under the plan created by this Act and under the Pension Plan of Management Personnel or simultaneously held a pensionable employment under one of those plans and under the Pension Plan of Peace Officers in Correctional Services, and if the person was a member of each plan in respect of such employments, the Commission shall, on the person’s application, reimburse the contributions deducted in excess with any interest

accrued in accordance with the pension plan concerned. Sections 151, 218 and 219 of this Act and sections 204, 205 and 406 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) apply.

For the purpose of computing the interest accrued in accordance with the pension plan concerned, the rate of interest determined in Schedule VII to this Act or in Schedule VIII to the Act respecting the Pension Plan of Management Personnel applies from the day following the date the application is received at the Commission.”

158. Section 194 of the said Act is amended

- (1) by striking out the last sentence of the first paragraph;
- (2) by adding the following sentence at the end of the second paragraph: “In the case of the Pension Plan of Peace Officers in Correctional Services, the exemption of 25% is established using the same proportion.”

159. Section 198 of the said Act is amended

- (1) by striking out “or subcategory” in the third and fourth lines of the first paragraph;
- (2) by striking out “or subcategory” in the third line of the second paragraph.

160. Section 203 of the said Act is amended by striking out “or subcategory” in the first and second lines of the first paragraph.

161. Section 208 of the said Act is amended by adding “or, if the person is a pensioner under the Pension Plan of Peace Officers in Correctional Services, the provisions of Chapter V of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) apply” at the end.

162. Section 215 of the said Act is amended by inserting “section 42.2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2),” after “of this Act,” in the fourth line of the first paragraph.

163. Section 215.0.2 of the said Act is amended by replacing “Division IV of Chapter V” in the second line of the second paragraph by “Chapter V”.

164. Section 215.12 of the said Act is amended

- (1) by striking out “or subcategory” in the second and fourth lines of the first paragraph;
- (2) by striking out “and subcategories” in the first line of the second paragraph.

165. Section 215.13 of the said Act is amended by adding “, or following the application of sections 79.3 and 81.15 of the Act respecting labour standards (chapter N-1.1)” at the end of subparagraph 1 of the first paragraph.

166. Section 215.15 of the said Act is amended by striking out “or subcategory” in the last line.

167. Section 216.1 of the said Act is amended by replacing “the interest contemplated in section 217” in the next to last line of the third paragraph by “interest”.

168. Section 216.1.1 of the said Act is amended by replacing “has been mailed” in the fifth line of the first paragraph by “has been sent”.

169. Section 216.2 of the said Act is amended

(1) by inserting “Despite any inconsistent provision of this Act,” at the beginning of the first paragraph;

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

“For the purposes of the first paragraph, the Government may, by regulation, establish the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, the rules and procedures for computing that part of the pension that relates to the years and parts of years redeemed, as well as the conditions governing the application of those limits, rules and procedures.”

170. Section 217 of the said Act is replaced by the following section:

“217. For the purposes of this Act and unless otherwise provided, the word “interest” used alone refers to interest compounded annually at the rates determined for each period in Schedule VI. The rates of interest in Schedule VI are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain categories of amounts referred to in section 127 and designated by that regulation.

The rates of interest in Schedule VII are determined, for each period indicated, according to the rules and procedures established by regulation and an external index designated by that regulation.

The applicable rates determined in Schedule VI are the rates determined for each period according to the period of application of those rates provided for by the relevant sections. The applicable rate determined in Schedule VII is the rate in force on the day that precedes the date the period of application of that rate begins as provided in the relevant sections, unless otherwise provided.”

171. Section 218 of the said Act is amended by replacing the first sentence by the following sentence: “Contributions within the meaning of section 50 bear interest at the rates determined in Schedules VI and VII, according to the periods of application of those rates provided for in the relevant sections.”

172. Section 219 of the said Act is amended by replacing “115.7” in the fourth line by “109.2, 109.8”.

173. Section 221.1 of the said Act is amended by adding the following sentence at the end: “In this last case, the interest is compounded annually, at the rates determined in Schedule VI until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date until the date the refund is paid.”

174. The second paragraph of section 223.1 of the said Act is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

175. Schedule I to the said Act, amended by Conseil du trésor decisions 200976 dated 24 April 2004 and 201230 dated 14 June 2004, is again amended

(1) by striking out “, in respect of employees who were holding an employment with the Institut before 23 June 1995” in the listing of “the Institut de recherches cliniques de Montréal” in paragraph 1;

(2) by inserting the following paragraph after paragraph 12:

“12.1. THE QUÉBEC SECRETARY GENERAL OF THE OFFICE FRANCO-QUÉBÉCOIS POUR LA JEUNESSE”.

176. Schedules IV and V to the said Act are repealed.

177. Schedule VI to the said Act is amended

(1) by replacing the heading by “INTEREST RATES BASED ON THE RATES OF RETURN ON CERTAIN FUNDS”;

(2) by replacing “as of 1 August 2003” by “1 August 2003 to 31 July 2004”;

(3) by adding “-0.19% as of 1 August 2004” at the end.

178. Schedule VII to the said Act is amended

(1) by replacing the heading by “INTEREST RATES BASED ON AN EXTERNAL INDEX”;

(2) by adding the following at the end:

“4.60% 1 August 2002 to 31 July 2003

“3.50% 1 August 2003 to 31 July 2004

“4.01% as of 1 August 2004”.

ACT RESPECTING THE TEACHERS PENSION PLAN

179. Section 3 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing “is an employee covered by” in the first line of paragraph 3 by “is a member of”.

180. Section 5 of the said Act is amended by striking out the third paragraph.

181. Section 10.1.1 of the said Act is amended

(1) by replacing “the Comité de retraite or the Administrative Tribunal of Québec, as the case may be, has been mailed” in the fourth, fifth and sixth lines of the first paragraph by “the Comité de retraite or the arbitrator has been sent”;

(2) by replacing “Schedule VI” in the fourth line of the second paragraph by “Schedule VII”.

182. Section 10.2 of the said Act is amended

(1) by inserting “Despite any inconsistent provision of this Act,” at the beginning of the first paragraph;

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

“For the purposes of the first paragraph, the Government may, by regulation, establish the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, the rules and procedures for computing that part of the pension that relates to the years and parts of years redeemed, as well as the conditions governing the application of those limits, rules and procedures.”

183. Section 15.1 of the said Act is amended

(1) by inserting “for one year of service” after “teacher” in the first line of the first paragraph;

(2) by replacing “, without exceeding the salary required to arrive at the limit referred to in the first paragraph, equal” in the third and fourth lines of the second paragraph by “equal, subject to the fourth paragraph,”;

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

“For the purposes of the second paragraph, the pensionable salary must not exceed the amount obtained by multiplying the limit referred to in the first paragraph by the service credited to the teacher during the year.”

184. The said Act is amended by inserting the following section after section 15.1:

15.2. For the purposes of this Act, “pensionable salary” refers to the pensionable salary determined under this division. However, section 15.1 is excluded from this reference in respect of the years prior to 1 January 1992.”

185. Section 21 of the said Act is amended by adding the following paragraph at the end:

“With respect to the person referred to in section 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the eligibility for a pension provided for in the third paragraph refers to the pension accrued under the Government and Public Employees Retirement Plan.”

186. Section 22 of the said Act is amended

(1) by striking out “established under section 11” in the fifth line of the second paragraph;

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

“For the purposes of the second paragraph, the limit provided for in section 15.1 is not applicable to the pensionable salary used to establish the cost of redeeming a period of absence in progress before 1 January 1992.”

187. Section 23 of the said Act is amended by replacing “by” in the fifth line of the second paragraph by “in Schedule VI to”.

188. Sections 27.1 to 27.3 of the said Act are repealed.

189. Section 28.4 of the said Act is amended by replacing “established pursuant to section 217 of” in the third line by “determined in Schedule VI to”.

190. Section 28.5.2 of the said Act is amended by inserting “pensionable” after “deduction from the” in the first line of the first paragraph.

191. Section 28.5.6 of the said Act is amended

(1) by striking out “or subcategories” in the first line of the second paragraph;

(2) by striking out “and subcategory” in the fourth line of the second paragraph.

192. Section 28.5.9 of the said Act is amended by replacing “of premiums appearing in Schedule IV to” in the second and third lines of the first paragraph by “established under section 95 of”.

193. Section 28.6 of the said Act is amended

(1) by replacing “sections 32 and 33” in the fifth line of the first paragraph by “sections 40 and 41”;

(2) by replacing “section 32” in the third line of the second paragraph by “section 40”;

(3) by replacing “section 33” in the next to last line of the third paragraph by “section 41”.

194. Section 29.0.1 of the said Act is amended by replacing “teacher’s salary” in the second line of the first paragraph by “pensionable salary the teacher would have received”.

195. Section 73 of the said Act is amended

(1) by replacing “and the rules and procedures for computing the pension” in the second and third lines of paragraph 3.1 by “the rules and procedures for computing the pension, and the conditions governing the application of those limits, rules and procedures”;

(2) by striking out paragraph 4.1.

196. The second paragraph of section 78.1 of the said Act is again enacted and therefore reads as follows:

“Sections 28, 32 and 51 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

197. The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting the following section after section 60.2:

“60.3. The pensionable salary of an officer who is released without pay for union activities is the salary paid to the officer by a body designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

The body concerned must withhold the contributions from the pensionable salary it pays to such an officer and pay its employer's contributory amount only on the part of the pensionable salary that exceeds the pensionable salary the employer would have paid if the officer had not been released without pay. The employer referred to in section 31 of the Act respecting the Government and Public Employees Retirement Plan must pay the contributory amount that would have been paid if the officer had not been released without pay."

198. Section 62.1 of the said Act is amended

(1) by inserting "for one year of service" after "officer" in the second line of the first paragraph;

(2) by replacing "without exceeding the salary required to arrive at the limit referred to in the first paragraph" in the third and fourth lines of the second paragraph by "subject to the fourth paragraph";

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

"For the purposes of the second paragraph, the pensionable salary must not exceed the amount obtained by multiplying the limit referred to in the first paragraph by the service credited to the officer during the year."

199. The said Act is amended by inserting the following section after section 62.1:

62.2. For the purposes of this Act, "pensionable salary" refers to the pensionable salary determined under this division. However, section 62.1 is excluded from this reference in respect of the years prior to 1 January 1992."

200. Section 63.1.0.1 of the said Act is amended by replacing "section 63" in the first and sixth lines of the first paragraph and in the third line of the second paragraph by "section 63.1".

201. Section 66.1 of the said Act is amended by adding the following paragraph at the end:

"With respect to the person referred to in section 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the eligibility for a pension provided for in the third paragraph refers to the pension accrued under the Government and Public Employees Retirement Plan."

202. Section 66.2 of the said Act is amended

(1) by striking out "established under section 51" in the fifth line of the second paragraph;

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

“For the purposes of the second paragraph, the limit provided for in section 62.1 is not applicable to the pensionable salary used to establish the cost of redeeming a period of absence in progress before 1 January 1992.”

203. Section 69.0.0.1 of the said Act is amended by replacing “officer’s salary” in the second line of the first paragraph by “pensionable salary the officer would have received”.

204. Sections 92 to 93.1 of the said Act are repealed.

205. Section 95 of the said Act is amended by inserting “pensionable” after “his” in the next to last line of the second paragraph and after “officer’s” in the second line of the third paragraph.

206. Section 96 of the said Act is amended by inserting “pensionable” after “from his” in the third line of the fourth paragraph and after “That” in the fourth line of the fourth paragraph.

207. Section 99.8 of the said Act is amended by replacing “established pursuant to section 217 of” in the third line by “determined in Schedule VI to”.

208. Section 99.9.2 of the said Act is amended by inserting “pensionable” after “deduction from the” in the first line of the first paragraph.

209. Section 99.17.1 of the said Act is amended

(1) by striking out “or subcategories” in the first line of the second paragraph;

(2) by striking out “and subcategory” in the fourth line of the second paragraph.

210. Section 99.17.4 of the said Act is amended by replacing “of premiums appearing in Schedule IV to” in the second and third lines of the first paragraph by “established under section 95 of”.

211. Section 109 of the said Act is amended by replacing “and the rules and procedures for computing the pension” in the second and third lines of paragraph 8.7 by “the rules and procedures for computing the pension, and the conditions governing the application of those limits, rules and procedures”.

212. Section 111.0.1.1 of the said Act is amended

(1) by replacing “the Comité de retraite or the Administrative Tribunal of Québec, as the case may be, has been mailed” in the fourth, fifth and sixth lines of the first paragraph by “the Comité de retraite or the arbitrator has been sent”;

(2) by replacing “Schedule VI” in the fourth line of the second paragraph by “Schedule VII”.

213. Section 111.0.2 of the said Act is amended

(1) by inserting “Despite any inconsistent provision of this Act,” at the beginning of the first paragraph;

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

“For the purposes of the first paragraph, the Government may establish by regulation the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, the rules and procedures for computing that part of the pension that relates to the years and parts of years redeemed, and the conditions governing the application of those limits, rules and procedures.”

214. The second paragraph of section 114.1 of the said Act is enacted once again and therefore reads as follows:

“Sections 56 and 84 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

215. Section 2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by striking out “section 4.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2),” in the seventh, eighth and ninth lines of paragraph 5.

216. Section 3 of the said Act is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(8.1) is a member of the Government and Public Employees Retirement Plan who is released, with or without pay, for union activities and who, while so released, holds, with the corresponding classification, non-unionizable employment listed in Schedule I with a labour union or an association representing management personnel referred to in Schedule II.”

217. Section 9 of the said Act is amended by adding the following paragraph at the end:

“For the purposes of Division III, when the date on which membership ceases, determined under section 8.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), is not the same as the date determined under this section, the latter date applies.”

218. Section 23 of the said Act is amended

(1) by striking out “or subclasses” in the third line of the first paragraph;

(2) by replacing the second sentence of the first paragraph by the following sentence: “Those provisions may also be inconsistent with the provisions on pension credits provided for in the Act respecting the Teachers Pension Plan (chapter R-11) except those provided for in Chapter V.1, in the Act respecting the Civil Service Superannuation Plan (chapter R-12) except Division III.1, in the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) except those provided for in Chapter VII.1 of Title I, and with the provisions of Title IV.2 of that Act.”;

(3) by replacing “mailing date of any decision of the Commission concerning the employee” in the ninth and tenth lines of the first paragraph by “date any decision of the Commission concerning the employee was sent”;

(4) by inserting the following paragraph after the fourth paragraph:

“An employee or a person who is a member of the Pension Plan of Peace Officers in Correctional Services ceases to be a member of that plan on the day before the day on which the employee or person becomes a member of a class of employees designated under the first paragraph. In that case, despite the second paragraph of section 6 and section 8.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the employee or person is a member of this plan from the day on which the employee or person becomes a member of such a class. The years and parts of a year of service credited under the Pension Plan of Peace Officers in Correctional Services and the years and parts of a year of service for which pension credit was granted under that Act must be credited under this plan on an actuarially equivalent basis established according to actuarial assumptions and methods that are determined by the Government and which may vary with the pension plans and benefits concerned.”

219. Section 30 of the said Act is amended

(1) by inserting “for one year of service” after “employee” in the second line of the first paragraph;

(2) by replacing “, without exceeding the salary necessary to reach the limit referred to in the first paragraph, equal” in the third and fourth lines of the second paragraph by “equal, subject to the fourth paragraph.”;

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

“For the purposes of the second paragraph, the pensionable salary must not exceed the amount obtained by multiplying the limit referred to in the first paragraph by the service credited to the employee during the year.”

220. The said Act is amended by inserting the following section after section 30:

“30.1. For the purposes of this Act, “pensionable salary” refers to the pensionable salary determined under this division. However, section 30 is excluded from this reference in respect of the years prior to 1 January 1992.”

221. The said Act is amended by inserting the following section after section 33:

“33.1. When section 17 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) applies, the service established under sections 31 and 32 is credited up to one year in excess of the service credited under the Pension Plan of Peace Officers in Correctional Services.

The pensionable salary attached to pensionable employment under this plan is the salary determined in accordance with Division I of this chapter, multiplied by the service credited under the first paragraph over the service established under sections 31 and 32.”

222. Section 38 of the said Act is amended by replacing the sixth paragraph by the following paragraph:

“An employee who holds another pensionable employment under this plan, or who holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Peace Officers in Correctional Services during part of a period of absence without pay may not be credited with the days and parts of a day during which such employment is held.”

223. Section 39 of the said Act is amended

(1) by striking out “established under section 25” in the fifth line of the second paragraph;

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

“For the purposes of the second paragraph, the limit provided for in section 30 is not applicable to the pensionable salary used to establish the cost of redeeming a period of absence in progress before 1 January 1992.”

224. Section 40 of the said Act is amended by striking out the third paragraph.

225. Section 41 of the said Act is amended

(1) by replacing “or the Government and Public Employees Retirement Plan” in the second and third lines of the first paragraph by “, the Government

and Public Employees Retirement Plan or the Pension Plan of Peace Officers in Correctional Services”;

(2) by striking out “or section 112 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” in the seventh and eighth lines of the first paragraph.

226. Section 41.1 of the said Act is amended by replacing “employee’s salary” in the third line of the first paragraph by “pensionable salary the employee would have received”.

227. Section 53 of the said Act is amended by adding “or 33.1” at the end of the third paragraph.

228. Section 54 of the said Act is amended

(1) by inserting “Subject to section 143.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2),” at the beginning of the first paragraph;

(2) by replacing “of all the years and parts of a year of service credited under this plan on the basis of actuarially equivalent benefits” in the first, second and third lines of the second paragraph by “of the years and parts of a year of service credited under this plan on an actuarially equivalent basis under Division I.3 of Chapter VI or in application of a transfer agreement entered into under section 203, section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services or section 158 of the Act respecting the Government and Public Employees Retirement Plan”.

229. Section 64 of the said Act is amended by inserting “, which sum is reduced, where applicable, by the amount established in accordance with the first and second paragraphs of section 41.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “date of death” in the fifth line of the first paragraph.

230. Section 67 of the said Act is amended by adding “, with interest, compounded annually, at the rates determined in Schedule VII until the date of death and at the rate determined in Schedule VIII from the day following the date of death until the date the refund is paid” at the end.

231. Section 68 of the said Act is amended by replacing “bears interest, compounded annually, at the rates determined for each period by this Act from the date of death of the employee” in the first and second lines of the fourth paragraph by “bears interest at the rate determined in Schedule VIII in force on the date of death of the employee and computed from that date”.

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

“69. If a pensioner who dies has no spouse entitled to a pension, the contributions are refunded to the employee’s successors, subject to section 79. The same rule applies to an employee who dies while eligible for a pension but who has no spouse entitled to a pension. However, in the latter case, the contributions are refunded with interest, compounded annually, at the rates determined in Schedule VII until the date of death and at the rate determined in Schedule VIII from the day following the date of death until the date the refund is paid.”

233. Section 70 of the said Act is amended by adding “with interest, compounded annually, at the rates determined in Schedule VII until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following that date until the date the refund is paid” at the end of the first sentence of the first paragraph.

234. Section 72 of the said Act is amended by inserting “, the Pension Plan of Peace Officers in Correctional Services” after “this plan” in the third line of the first paragraph.

235. Section 73 of the said Act is amended by replacing the last sentence by the following sentence: “However, if, when service was transferred on an actuarially equivalent basis, the total amount of accumulated contributions exceeded the actuarial value of the benefits accrued under the new pension plan, contributions do not include the amount by which the total accumulated contributions exceed the actuarial value of the benefits accrued.”

236. Section 75 of the said Act is amended

(1) by inserting “retires at the age of 65 and” after “the employee” in the first line of the second paragraph;

(2) by adding the following sentence at the end: “If the employee retires at an age other than 65, the annual value of the original pension paid is adjusted, taking into account the employee’s age at the time of retirement and the actuarial assumptions and methods determined by regulation.”

237. Section 77 of the said Act is amended by replacing “interest” in the first paragraph by “interest at the rates determined in Schedule VII and Schedule VIII according to the period of application provided for in the relevant sections. Contributions accrued with interest during the period of application of the rates determined in Schedule VII may not be less than the contributions.”

238. Section 79 of the said Act is amended

(1) by inserting “and by any amount established under the first and second paragraphs of section 41.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “paid” in the seventh line of the first paragraph;

(2) by replacing the last sentence of the first paragraph by the following sentence: “For every period during which no amount was paid as pension, the balance of the contributions and any accrued interest bear interest, compounded annually, at the rate determined in Schedule VIII in force on the first day of the month following the death and computed from that day.”

239. Section 80 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“The amount referred to in the first paragraph bears interest, compounded annually, at the rate determined in Schedule VIII in force on the date the application is received at the Commission and computed from that date until the date on which the refund is made.”

240. Section 84 of the said Act is amended by replacing “compounded annually, at the rates determined for each period by this Act. The interest runs from the date of the refund” in the fifth and sixth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VII from the date the refund is paid until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following the latter date”.

241. Section 85 of the said Act is amended by replacing “compounded annually at the rates determined for each period by this Act. The interest runs from the midpoint of each year” in the seventh and eighth lines of the first paragraph by “, compounded annually, at the rates determined in Schedule VII from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following that date”.

242. Section 86 of the said Act is amended by replacing “compounded annually at the rates determined for each period by this Act. The interest runs from the date of the refund” in the sixth, seventh and eighth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VII from the date the refund is paid until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following the latter date”.

243. Section 87 of the said Act is amended by replacing “compounded annually, at the rates determined for each period by this Act. The interest runs from the midpoint of each year” in the eighth and ninth lines of the first paragraph by “compounded annually, at the rates determined in Schedule VII from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following that date”.

244. Section 89 of the said Act is amended by inserting “the Pension Plan of Peace Officers in Correctional Services or” after “under” in the third line of the first paragraph.

245. Section 110 of the said Act is amended by inserting “the Pension Plan of Peace Officers in Correctional Services or” after “under” in the tenth line of the first paragraph.

246. Section 113 of the said Act is amended by striking out “and subclasses” in the third line.

247. Section 114 of the said Act is amended

(1) by inserting “the pension plan of the members of the Sûreté du Québec,” after “Services,” in the sixteenth line of the first paragraph;

(2) by replacing “the application of section 149” in the eighteenth and nineteenth lines of the first paragraph by “section 138.1, the second paragraph of section 138.2 and section 138.7 of this Act and section 143.5, the second paragraph of section 143.8, sections 143.9 and 143.10, the second paragraph of section 143.23 and the third paragraph of section 143.24 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)”;

(3) by replacing “section 150 or under the agreement concerned, as the case may be” in the last two lines of the first paragraph by “sections 138.3 and 138.8 of this Act or Chapter IX.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services”.

248. Section 118 of the said Act is amended

(1) by inserting “or the Pension Plan of Peace Officers in Correctional Services” after “Retirement Plan” in the second line of the fourth paragraph;

(2) by inserting “or section 42.0.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “Retirement Plan” in the next to last line of the fourth paragraph.

249. Section 125 of the said Act is amended by adding the following sentence at the end: “In this last case, interest is compounded annually at the rates determined in Schedule VII until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following that date until the date the refund is paid”.

250. Section 126 of the said Act is amended by inserting the following sentence after the first sentence of the fourth paragraph: “In this last case, interest is compounded annually at the rates determined in Schedule VII until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following that date until the date the refund is paid.”

251. Section 128 of the said Act is amended by replacing “5% interest, compounded annually, for the period comprised between the date of the refund and 30 June 1973, and with interest, compounded annually, at the rate

determined for each period by this Act,” in the second, third, fourth and fifth lines of the second paragraph by “interest at 5%, compounded annually for the period comprised between the date of the refund and 30 June 1973, and at the rates determined in Schedule VII”.

252. Section 130 of the said Act is amended by inserting “without taking the limit provided for in section 30 into account” after “salary” in the third line of the second paragraph.

253. Section 131 of the said Act is amended by replacing “established pursuant to section 203” in the second and third lines by “determined in Schedule VII”.

254. Section 134 of the said Act is amended by inserting “pensionable” after “deduction from the” in the first line of the first paragraph.

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

“DIVISION 1.2

“EMPLOYEE WHO WAS A MEMBER OF THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

“**138.1.** Subject to section 138.2, the years and parts of a year of service credited under the Pension Plan of Peace Officers in Correctional Services to an employee or a person referred to in section 8.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) and the years and parts of a year of service for which pension credit is granted under that Act must be credited under this plan on an actuarially equivalent basis established on the date, determined under that section 8.7, on which the employee’s or person’s membership in this plan ended, if the contributions have not been refunded.

The years and parts of a year of service are credited, beginning with the most recent service, until the actuarial value of the benefits established in respect of those years and parts of a year of service under this plan reaches the actuarial value of the benefits accrued under the Pension Plan of Peace Officers in Correctional Services, without exceeding the service credited or counted under that plan. The second paragraph of section 51 applies.

The actuarial values of the benefits are established on the basis of actuarial assumptions and methods that are determined by regulation and which may vary with the pension plans and benefits concerned.

“**138.2.** The years and parts of a year of service credited under this plan to an employee referred to in section 138.1 and the years and parts of a year of service for which pension credit was granted to the employee under the

Government and Public Employees Retirement Plan and which were credited under the Pension Plan of Peace Officers in Correctional Services under sections 22 and 23, as they read before 1 January 2005, and section 143.3, 143.4 or 143.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) must be credited once again under this plan on the date, determined in accordance with section 8.7 of that Act, on which the employee's membership in this plan ended or, as the case may be, counted again under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), as though these sections 22, 23 and 143.3, 143.4 or 143.7 had not applied.

However, if an employee received a refund of contributions under section 151, as it read before 1 January 2005, the years and parts of a year of service are credited under this plan in proportion to the amount of the actuarial value of benefits accrued under the Pension Plan of Peace Officers in Correctional Services over the total amount of contributions accumulated under sections 73, 77, 205 and 206, as they read before 1 January 2005. The amounts are those used for the purposes of section 151.

The years and parts of a year of service referred to in the first and second paragraphs are credited beginning with the most recent service.

“138.3. An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of section 138.1 by paying to the Commission the difference between the actuarial values of the benefits resulting from those years and parts of a year of service.

An employee referred to in section 138.2 may be credited with all or part of the years and parts of a year of service not credited under this plan by paying to the Commission an amount equal to the refund referred to in that section.

The years and parts of a year of service referred to in the first and second paragraphs are credited beginning with the most recent service.

The amount to be paid by the employee bears interest, compounded annually, at the rates determined in Schedule VII from the date on which the actuarial values are established until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following the date the application is received until the date of the redemption proposal made by the Commission. However, for the purpose of the second paragraph, interest is computed from the date on which the Commission paid the refund instead of the date on which the actuarial values were established.

The amounts established under this section are payable either in a lump sum or in instalments over the period and at the times determined by the Commission. An amount paid in instalments bears interest, compounded annually, at the rate determined in Schedule VIII on the date the application is received at the Commission and computed from the date on which the redemption proposal made by the Commission expires.

“138.4. The Commission shall refund an employee or person who becomes subject to section 25 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) any amounts paid under section 150, as it read before 1 January 2005, to have credited the years and parts of a year of service referred to in that section 25, with interest.

“138.5. The employee or person who becomes subject to section 8.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) while redeeming service under that Act must pay the balance of the redemption costs within 30 days of receiving notice from the Commission to that effect. If the employee does not pay the balance within that time limit, the service is credited under this plan in accordance with section 138.1, but in proportion to the sums paid, excluding interest, on the redemption costs.

“138.6. The Commission shall reimburse to an employee whose years and parts of a year of service credited under this plan have been transferred to the Pension Plan of Peace Officers in Correctional Services on an actuarially equivalent basis under section 23 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) any amount by which the total amount of the contributions accumulated with interest under sections 73, 77, 205, 206 and 406 exceeds the amount of the actuarial value of the benefits accrued to the employee under that pension plan, if the total amount of those contributions accumulated with interest is at least equal to the actuarial value of the deferred pension accrued under this plan and established in accordance with subparagraph 2 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

The Commission shall transfer into a locked-in retirement account in respect of an employee whose years and parts of a year of service credited under this plan have been transferred to the Pension Plan of Peace Officers in Correctional Services, on an actuarially equivalent basis under section 23 of the Act respecting the Pension Plan of Peace Officers in Correctional Services any amount by which the actuarial value of the deferred pension accrued under this plan and established in accordance with subparagraph 2 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan exceeds the amount of the actuarial value of the benefits accrued under the Pension Plan of Peace Officers in Correctional Services, if the actuarial value of the deferred pension is greater than the total amount of the contributions accumulated with interest.

“DIVISION I.3

“EMPLOYEE WHO WAS A MEMBER OF THE PENSION PLAN OF THE SÛRETÉ DU QUÉBEC

“138.7. The years and parts of a year of service credited to an employee under the pension plan of the Sûreté du Québec (C.T. 181151 dated 18 August 1992) may be credited under this plan on an actuarially equivalent

basis. The employee must no longer have been an employee for the purposes of the pension plan of the Sûreté du Québec for at least 210 days and must not have received a refund of contributions or be a pensioner under that plan. However, the time limit does not apply if the employee simultaneously submits an application for benefits and an application for a transfer under this plan.

The years and parts of a year of service are credited, beginning with the most recent service, until the actuarial value of the benefits established in respect of those years and parts of a year of service under this plan reaches the actuarial value of the benefits accrued under the pension plan of the Sûreté du Québec, without exceeding the service credited or counted under that plan.

The actuarial values of the benefits are determined on the date the application for transfer is received at the Commission on the basis of actuarial assumptions and methods determined by regulation.

“138.8. An employee may be credited with all or part of the years and parts of a year of service not credited under this plan by reason of section 138.7 by paying to the Commission the difference between the actuarial values of the benefits resulting from those years and parts of a year of service.

The years and parts of a year of service referred to in the first paragraph are credited beginning with the most recent service.

The amount to be paid by the employee referred to in the first paragraph bears interest, compounded annually, at the rates determined for each period in Schedule VII to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) from the date on which the actuarial values are established until the date the application for redemption is received at the Commission and at the rate determined in Schedule VIII to that Act from the day following the date the application is received until the date of the redemption proposal made by the Commission.

The amount established under the third paragraph is payable either in a lump sum or in instalments over the period and at the times determined by the Commission. An amount paid in instalments bears interest, compounded annually, at the rate determined in Schedule VIII to the Act respecting the Government and Public Employees Retirement Plan in force on the date the application is received at the Commission and computed from the date on which the redemption proposal made by the Commission expires.

“138.9. The Commission shall refund to a person whose years and parts of a year of service credited under this plan have been transferred to the pension plan of the Sûreté du Québec on an actuarially equivalent basis any amount by which the total amount of the contributions accumulated with interest under sections 73, 77, 205, 206 and 406 exceeds the amount of the actuarial value of the benefits accrued to the person under that pension plan, if the total amount of the contributions accumulated with interest is at least equal to the actuarial value of the deferred pension accrued under this plan and

established in accordance with subparagraph 2 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

The Commission shall transfer into a locked-in retirement account in respect of an employee whose years and parts of a year of service credited under this plan have been transferred to the pension plan of the Sûreté du Québec, on an actuarially equivalent basis, any amount by which the actuarial value of the deferred pension accrued under this plan exceeds the amount of the actuarial value of the benefits accrued under the pension plan of the Sûreté du Québec, if the actuarial value of the deferred pension is greater than the total amount of the contributions accumulated with interest under sections 73, 77, 205, 206 and 406.”

256. Section 144 of the said Act is amended by replacing “determined for each period by this Act. The interest runs from the midpoint of each year” in the sixth and seventh lines of the second paragraph by “determined in Schedule VII from the midpoint of each year until the date the application is received at the Commission and at the rate determined in Schedule VIII from the day following that date”.

257. Section 146 of the said Act is amended by replacing “established under section 25” in the third line of the second paragraph by “, without taking the limit provided for in section 30 into account”.

258. Sections 149 to 151 of the said Act are repealed.

259. Section 153 of the said Act is amended

(1) by inserting “or the Pension Plan of Peace Officers in Correctional Services” after “Retirement Plan” in the third line of the first paragraph;

(2) by inserting the following sentence at the end of the first paragraph: “If a pensioner under this plan is referred to in Chapter V of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), only the provisions provided for in that chapter apply.”

260. Section 157 of the said Act is amended by replacing “interest” in the last line of the second paragraph by “interest, compounded annually, at the rates determined in Schedule VII until the date the employee ceased to hold employment and at the rate determined in Schedule VIII from the day following that date until the date the refund is paid”.

261. Section 178 of the said Act is amended by replacing the second paragraph by the following paragraph:

“All sums bear interest from the midpoint of the year in which they were paid until the date of the transfer.”

262. The said Act is amended by inserting the following division after section 195:

“DIVISION V

“TRANSFER OF FUNDS

“195.1. With respect to the years and parts of a year of service credited to the employee under the pension plan of the Sûreté du Québec and transferred in accordance with section 138.7, the Commission must deposit the actuarial value of the benefits accrued under that plan in the Caisse de dépôt et placement du Québec without, however, exceeding the actuarial value of the equivalent benefits to which the employee is entitled under this Act. The actuarial values are those established under section 138.7.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the date the application for transfer is received at the Commission in accordance with section 138.7 until the date on which the sums are deposited in the Caisse de dépôt et placement du Québec. The sums are paid to the Caisse into the funds and in the proportions provided for in the second paragraph of section 180.

“195.2. With respect to the years and parts of a year of service credited to an employee under this plan and transferred to the pension plan of the Sûreté du Québec in accordance with that plan, the Commission must transfer the actuarial value of the benefits accrued under this plan to the consolidated revenue fund without, however, exceeding the actuarial value of the equivalent benefits to which the employee is entitled under the pension plan of the Sûreté du Québec. The actuarial values are those established under section 138.7.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined in Schedule VII from the date the application for transfer is received at the Commission in accordance with the pension plan of the Sûreté du Québec until the date on which the sums are transferred to the consolidated revenue fund. The sums are taken out of the relevant funds of the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in Division II of Chapter X.”

263. Section 196 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 7 of the first paragraph:

“(7.1) determine, for the purposes of section 75, the actuarial assumptions and methods;”;

(2) by striking out “and subclasses” in the second and third lines of subparagraph 9 of the first paragraph;

(3) by replacing “in section 149, which may vary according to the pension plans concerned” in the second and third lines of subparagraph 12 of the first paragraph by “in sections 138.1 and 138.7, which may vary with the pension plans and benefits concerned;”;

(4) by replacing “and the rules and procedures for computing the pension” in the second and third lines of subparagraph 22 of the first paragraph by “the rules and procedures for computing the pension, and the conditions governing the application of those limits, rules and procedures”;

(5) by inserting the following subparagraph after subparagraph 23 of the first paragraph:

“(23.1) for the purposes of section 204 and for each period indicated, determine the rates of interest in Schedule VII, according to the rules and procedures established and the rates of return on certain classes of amounts referred to in section 177 and designated by the regulation, and the rate of interest in Schedule VIII according to a designated external index and the rules and procedures established;”.

264. Section 199 of the said Act is amended by replacing “the interest provided for in section 204” in the next to last line of the third paragraph by “interest”.

265. Section 200 of the said Act is amended by replacing “mailing” in the fourth line of the first paragraph by “sending”.

266. Section 201 of the said Act is amended

(1) by inserting “Despite any inconsistent provision of this Act,” at the beginning of the first paragraph;

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

“For the purposes of the first paragraph, the Government may establish by regulation the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, the rules and procedures for computing that part of the pension that relates to the years and parts of years redeemed, and the conditions governing the application of those limits, rules and procedures.”

267. Section 203 of the said Act is amended by replacing “section 150” in the last line of the first paragraph by “section 138.2”.

268. Section 204 of the said Act is replaced by the following section:

“204. For the purposes of this Act and unless otherwise provided, the word “interest” used alone refers to interest compounded annually at the rates determined for each period in Schedule VII. The rates of interest in Schedule VII are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain classes of amounts referred to in section 177 and designated by that regulation.

The rates of interest in Schedule VIII are determined, for each period indicated, according to the rules and procedures established by regulation and an external index designated by that regulation.

The applicable rates determined in Schedule VII are the rates determined for each period according to the period of application of the rates provided for in the relevant sections. The applicable rate determined in Schedule VIII is the rate in force on the day before the date the period of application of that rate begins as provided for in the relevant sections, unless otherwise provided.”

269. Section 205 of the said Act is amended by replacing the first sentence by the following sentence: “Contributions within the meaning of section 73 bear interest at the rates determined in Schedules VII and VIII, according to the periods of application of those rates provided for in the relevant sections.”

270. Section 206 of the said Act is amended by replacing “sections 149” in the fourth line by “sections 138.1, 138.7”.

271. Section 209 of the said Act is amended by replacing “mailing date of any decision of the Commission concerning the employee” in the fourth and fifth lines of the second paragraph by “date on which any decision of the Commission concerning the employee was sent”.

272. The second paragraph of section 211 of the said Act is enacted once again and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

273. Schedule I to the said Act is amended by inserting “The following are considered non-unionizable employments:” after the heading of Division I “NON-UNIONIZABLE EMPLOYMENT”.

274. Schedule II to the said Act, amended by Conseil du trésor decisions 200976 dated 20 April 2004 and 201230 dated 14 June 2004, is again amended

(1) by striking out “, in respect of employees who were holding an employment with the Institut before 23 June 1995” in the listing of “the Institut de recherches cliniques de Montréal”;

(2) by inserting the following paragraph after paragraph 13:

“13.1. THE QUÉBEC SECRETARY GENERAL OF THE OFFICE FRANCO-QUÉBÉCOIS POUR LA JEUNESSE”.

275. Schedule VII to the said Act is amended

(1) by replacing the heading by “INTEREST RATES BASED ON THE RATES OF RETURN ON CERTAIN FUNDS”;

(2) by replacing “as of 1 August 2003” by “1 August 2003 to 31 July 2004”;

(3) by adding “-0.61% as of 1 August 2004” at the end.

276. Schedule VIII to the said Act is amended

(1) by replacing the heading by “INTEREST RATES BASED ON AN EXTERNAL INDEX”;

(2) by adding the following at the end:

“4.60% 1 August 2002 to 31 July 2003

“3.50% 1 August 2003 to 31 July 2004

“4.01% as of 1 August 2004”.

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

277. The contribution rate provided for in the first paragraph of section 42 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is 1% starting on 1 January 2004. The supplementary contribution rate provided for in the second paragraph of that section is 3% starting on 1 January 2004. These rates apply until new rates are determined by regulation.

278. A public servant who, on 31 December 2004, held employment within the Direction générale des services correctionnels of the Ministère de la Sécurité publique other than employment covered by the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre d'agents de la paix à l'exclusion des directeurs des établissements de détention (C.T. 170451 dated 11 April 1989) or the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre de directeurs des établissements de détention (C.T. 170452 dated 11 April 1989), and their subsequent amendments, is a member of the Pension Plan of Peace Officers in Correctional Services from the date on which the public servant ceased to hold employment covered by those directives in a house of detention. The public

servant is deemed to qualify for membership in that plan on 1 January 2005 and Chapter IX.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) applies.

279. Section 4.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), as it read on 31 December 2004, continues to apply until 31 December 2005 with respect to an employee covered by the second paragraph of that section who, on 31 December 2004, is a member of the staff of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1). An employee who elects to become a member of the Pension Plan of Peace Officers in Correctional Services is deemed to qualify for membership in that plan on 1 January 2005 and Chapter IX.1 of that Act applies.

280. Section 42.0.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 8, applies with respect to an absence without pay in progress on 1 January 2005, but only for the part of the absence without pay after 31 December 2004.

281. A redemption proposal made by the Commission administrative des régimes de retraite et d'assurances after 2 November 2004 following an application to redeem a period of absence without pay having occurred while an employee held pensionable employment under the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) received by the Commission before 1 February 2005 must be based on the provisions of that Act as they read before 1 January 2005 or as they read on that date, whichever option is more favourable.

If a proposal not in accordance with the first paragraph has already been made by the Commission, the Commission must make a new proposal in accordance with that paragraph whether or not the first proposal has been accepted.

282. Chapters I and III of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988, the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to the employees of the Institut Pinel, made by Order in Council 1443-92 dated 30 September 1992 and Division XII of Chapter I of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, in force on 31 December 2004, continue to have effect until they are replaced or amended by regulations and orders in council made under the corresponding provisions of this Act.

However, for the purposes of section 41.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), section 109.2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and section 138.1 of the

Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), the actuarial assumptions and methods used to establish the actuarial value of benefits are those determined in accordance with sections 23, 115.7 and 149 of those Acts, respectively, in force on 31 December 2004, with the following modifications:

(1) the retirement age is the employee's age on the date the employee ceases to be a member of the plan in accordance with section 8.7 or 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services; and

(2) the pensionable salary is the best years' salary regardless of the plan under which the service is credited.

For the purposes of section 23 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, the actuarial assumptions and methods used to establish the actuarial value of benefits are those determined under section 23 as it stood on 31 December 2004, with the following modification: if the expected retirement date is no more than five years after the date of qualification, the salaries that may be considered for the purpose of calculating the average pensionable salary are the pensionable salary for the qualification year, the projected salary for each subsequent year until the date of retirement and the pensionable salary for each of the years prior to the date of qualification, regardless of the plan under which the service is credited.

283. The first regulation made under paragraph 4 of section 1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 1, may have effect from 1 January 1992.

284. The first regulation made under section 107 or 143.19 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by sections 44 and 57, respectively, may have effect from 1 January 2005.

285. The first regulations made after 1 January 2005 and amending the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 839-91 (1991, G.O. 2, 2109), the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, made by Order in Council 351-91 (1991, G.O. 2, 1307), the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan, made by Conseil du trésor decision 176506 (1991, G.O. 2, 1334), the Regulation respecting the partition and assignment of benefits accrued under the Civil Service Superannuation Plan, made by Conseil du trésor decision 176507 (1991, G.O. 2, 1327) and the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers, made by Order in Council 840-91 (1991, G.O. 2, 2114) may have effect from 1 January 2005 if their purpose is to give effect to an amendment resulting from this Act.

Similarly, the first regulation made under subparagraphs 13 to 16 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) may have effect from 1 January 2005.

286. The first Order in Council made under section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) after the coming into force of this Act, to the extent that it amends or replaces section 25 or 30 of Order in Council 960-2003 dated 17 September 2003, may have effect from that date.

287. The first regulation made under subparagraph 2.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) after the coming into force of this Act may have effect from 1 January 2005.

288. The first Order in Council made under paragraph 2 of section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) or paragraph 5 of section 2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) after the coming into force of this Act may have effect from 1 January 1990 with respect to a person or member referred to in that section for the period during which the Commission administrative des régimes de retraite et d'assurances received contributions between 31 December 1989 and 1 January 2005.

289. The Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), made by Conseil du trésor decision 201440 dated 24 August 2004, has effect from 15 April 2001.

The Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), made by Conseil du trésor decision 197330 dated 27 November 2001, has effect from 1 January 2000.

290. The listing of the Association de l'enseignement du Nouveau-Québec in paragraph 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) has effect from 7 January 1980. The listing of the Syndicat de l'enseignement de l'Estrie, the Syndicat de l'enseignement de Louis-Hémon and the Syndicat de l'enseignement de la région de Laval in that paragraph has effect from 1 January 2000.

The listing of the Syndicat des travailleurs de l'enseignement secondaire des Basses-Laurentides (CSQ) and the listing of the Syndicat de l'enseignement des Vieilles-Forges in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan have effect from 21 October 1997 and 1 March 1999, respectively.

The listing of the Syndicat des travailleurs de l'enseignement de l'Est du Québec in paragraph 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan and in paragraph 1 of Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) has effect from 1 February 2003.

291. Paragraph 1 of section 175 has effect from 1 July 1973.

Paragraph 1 of section 181 and paragraph 1 of section 212 have effect from 1 January 1995.

Paragraph 2 of section 158 has effect from 1 January 2000.

Paragraph 2 of section 218 and paragraph 1 of section 274 have effect from 1 January 2001.

Sections 4, 5, 37 and 38, paragraph 8 of section 47, section 51, paragraph 2 of section 74, sections 77, 82, 83, 87 and 91, paragraph 1 of section 116, paragraphs 2 and 3 of section 123, paragraph 1 of section 127, section 134, paragraph 10 of section 137, paragraph 1 of section 158, sections 169, 182 to 184, 186 and 194, paragraph 1 of section 195, sections 198, 199, 202, 203, 205, 206, 208, 211, 213, 219, 220, 223, 226, 252, 254 and 257, paragraph 4 of section 263 and sections 266 and 273 have effect from 1 July 2002.

Paragraph 2 of section 175 and paragraph 2 of section 274 have effect from 23 December 2003.

Sections 81 and 197 have effect from 1 January 2004.

292. In the case where an application for redemption is received at the Commission administrative des régimes de retraite et d'assurances between 31 December 2004 and 1 June 2005, for the purposes of the period of application of the interest rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and provided for in sections 34, 40 and 41 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 6, in respect of the refund of amounts paid for the purchase of pension credits or for the redemption of an absence without pay, the rate determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan apply until 31 May 2005 and the rate determined in Schedule VII in force on 1 June 2005 applies from the latter date until the end of the period of application of the rate determined in Schedule VII provided for in the relevant sections.

In the case where an application for redemption is received at the Commission administrative des régimes de retraite et d'assurances between 31 December 2004 and 1 June 2005, for the purposes of the period of application of the interest rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and provided for in the fourth paragraph

of section 109.4, enacted by section 124, or the rate determined in Schedule VIII to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), provided for in the fourth paragraph of section 138.3 of that Act, enacted by section 255, the rate determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan or in Schedule VII to the Act respecting the Pension Plan of Management Personnel apply until 31 May 2005 and the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan or in Schedule VIII to the Act respecting the Pension Plan of Management Personnel in force on 1 June 2005 apply from the latter date until the end of the period of application of the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan or in Schedule VIII to the Act respecting the Pension Plan of Management Personnel provided for in the relevant sections.

In the case where an application for redemption is received at the Commission administrative des régimes de retraite et d'assurances between 31 December 2004 and 1 June 2005, under section 26 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, enacted by section 6, the interest rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and provided for in the fourth paragraph of that section 26, applicable from the first day of the month that follows the date on which the actuarial values were established, continues to apply until 31 May 2005 or until the date of the redemption proposal by the Commission if it was made before 31 May 2005, and the rate determined in Schedule VII in force on 1 June 2005 applies from that date until the date of the redemption proposal.

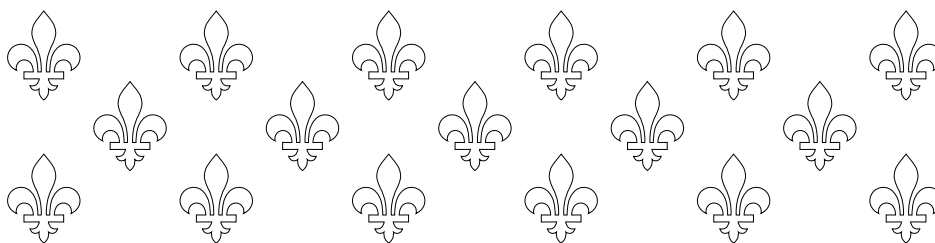
293. This Act comes into force on 1 January 2005.

However, sections 20, 22 and 23, paragraphs 2 and 5 of section 25, sections 27, 28 and 30, paragraph 1 of section 31, sections 63 to 67, 69 to 72, 75, 89, 95 to 98 and 102, paragraph 2 of section 103, sections 104 to 110 and 115, paragraph 2 of section 116, section 126, paragraph 2 of section 127, sections 128, 132, 135, 147, 148 and 150, section 157 to the extent that it introduces the new paragraph for the purpose of computing interest, and sections 167, 170, 171 and 173 come into force on 1 June 2005. In those cases, if the period of application determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and provided for in those sections begins before 1 June 2005, the rate determined in Schedule VI for each period applies until 31 May 2005 and the rate determined in Schedule VII in force on 1 June 2005 applies from the latter date until the end of the period of application of the rate determined in Schedule VII provided for in the relevant sections.

Sections 230 to 233 and 237, paragraph 2 of section 238, and sections 239 to 243, 249, 250, 256, 260, 261, 264, 268 and 269 come into force on 1 June 2005. In those cases, if the period of application determined in Schedule VIII to the Act respecting the Pension Plan of Management Personnel (R.S.Q.,

chapter R-12.1) and provided for in those sections begins before 1 June 2005, the rate determined in Schedule VII for each period applies until 31 May 2005 and the rate determined in Schedule VIII in force on 1 June 2005 applies from that date until the end of the period of application of the rate determined in Schedule VIII provided for in the relevant sections.

Section 6 to the extent that it enacts subdivision 4 of Division IV of Chapter II of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), paragraph 3 of section 47 to the extent that it refers to section 41.7, sections 68, 101 and 122, section 124 to the extent that it enacts Division III.3 of Chapter VI of Title I of the Act respecting the Government and Public Employees Retirement Plan, section 136, paragraph 7 of section 137 to the extent that it refers to section 109.8 of the Act respecting the Government and Public Employees Retirement Plan, sections 176, 192, 210 and 236, section 255 to the extent that it enacts Division I.3 of Chapter VI of the Act respecting the Pension Plan of Management Personnel, section 262 and paragraph 3 of section 263 to the extent that it refers to section 138.7 of the Act respecting the Pension Plan of Management Personnel of this Act come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 208

(Private)

An Act respecting Ville de Murdochville

Introduced 12 May 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 208

(Private)

AN ACT RESPECTING VILLE DE MURDOCHVILLE

AS Ville de Murdochville intends to revitalize its territory, diversify its economy, create jobs and increase its population;

As the town has acquired, with the support of the Government, certain immovables owned by Noranda Inc. for industrial recovery purposes;

As it is in the interest of the town that it be granted certain powers for those purposes;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Murdochville may adopt a residential, commercial and industrial revitalization program by by-law for all or part of its territory.

The program may provide for the awarding of a grant to encourage access to residential ownership and renovation.

The eligibility period for the program may not extend beyond 31 December 2009.

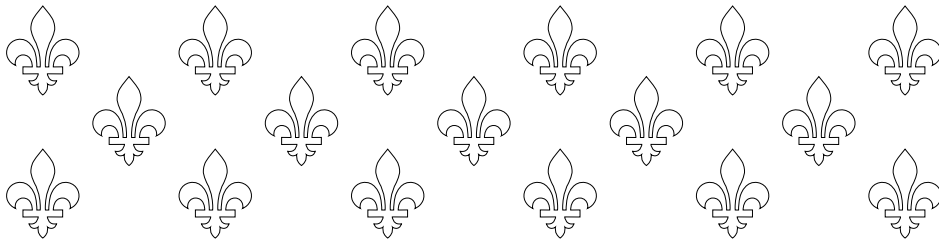
2. The second paragraph of section 542.1 and sections 542.2 and 542.6 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the revitalization program, with the necessary modifications.

3. The total amount of financial assistance that may be granted under the revitalization program may not exceed \$3,000,000. The town may increase that amount by by-law approved by the Minister of Municipal Affairs, Sports and Recreation.

4. Despite the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), the town may alienate for industrial purposes, and by gratuitous title, the immovables it acquired from Noranda Inc. under a contract registered at the registry office of Sainte-Anne-des-Monts under registration number 10 983 427.

If these immovables are alienated, the town may, by by-law, exempt them from property taxes until 31 December 2009.

5. This Act comes into force on 17 December 2004.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 210

(Private)

An Act respecting Compagnie de cimetières catholiques des Bois-Francs

Introduced 12 May 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 210

(Private)

AN ACT RESPECTING COMPAGNIE DE CIMETIÈRES CATHOLIQUES DES BOIS-FRANCS

AS le Cimetière de Saint-Joseph de Victoriaville is a legal person duly constituted under the Act to incorporate le Cimetière de Saint-Joseph de Victoriaville (1955-56, chapter 148), and as that legal person requests that its incorporating act be replaced by this Act;

As that legal person was constituted to allow the Sainte-Victoire, Saint-Gabriel Lalemant and Sainte-Famille parishes, all situated in Victoriaville, to erect and own a cemetery for their common use and for the use of any other parish in the region of Ville de Victoriaville that could be admitted as a member of the legal person;

As the Act to incorporate le Cimetière de Saint-Joseph de Victoriaville is no longer adapted to the social and economic situation of the Catholic parishes;

As the corporation, at the request of Monseigneur Raymond St-Gelais, Bishop of Nicolet, intends to change its structure and objects in order to acquire and administer the cemeteries currently owned by fabriques, within the meaning of the Act respecting fabriques (R.S.Q., chapter F-1), or by any other body under the authority of the Bishop of Nicolet, to administer, on behalf of certain fabriques, the cemeteries owned by those fabriques, and to provide other services related to the disposal of the body or ashes of a deceased person;

As the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1) does not contain all the provisions required to meet the needs of the fabriques under the authority of the Bishop of Nicolet that are or may become members of the legal person;

As the general meeting of members of le Cimetière de Saint-Joseph de Victoriaville has approved the request to replace its incorporating act;

As Monseigneur Raymond St-Gelais, Bishop of Nicolet, has approved the request;

As it is appropriate and in the public interest to grant the request;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to incorporate le Cimetière de Saint-Joseph de Victoriaville (1955-56, chapter 148) is replaced by this Act.

2. With the approval of its visitor, the company may change its name by a by-law adopted by its board of directors and approved by the general meeting of members. The new name must respect section 9.1 of the Companies Act (R.S.Q., chapter C-38). The by-law is sent to the enterprise registrar for approval. If applicable, the enterprise registrar files a notice of approval in the registry established under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45).

3. The head office of the company is situated in the diocese of Nicolet, at the address determined by a resolution adopted by the board of directors and approved by the general meeting of members.

4. The Fabrique de la paroisse de Sainte-Victoire, the Fabrique de la paroisse de Saint-Gabriel Lalemant, the Fabrique de la paroisse de Sainte-Famille and the Fabrique de la paroisse de Notre-Dame de l'Assomption are members of the company, as well as any other fabrique under the authority of the Bishop of Nicolet accepted as a member in accordance with the company's by-laws, inasmuch as they comply with those by-laws.

5. The general meeting of members is composed of the rectors, chairs and wardens of the member fabriques.

6. The general meeting of members has the powers granted to it by company by-law.

7. The affairs of the company are administered by a board of directors composed of

(a) a president appointed by the Bishop of Nicolet;

(b) a delegate from each fabrique that is a member of the company, proposed by the fabrique and appointed as an administrator by the Bishop of Nicolet.

The delegate of a fabrique need not be the rector, the chair or a warden of the fabrique.

In the deeds of appointment, the Bishop of Nicolet must determine the term of office of the company president and the delegates appointed as administrators.

8. The mandate of the board of directors is to exercise the powers granted to it by company by-law.

9. The company's purpose and object is to own and administer cemeteries and to provide funeral services of all kinds, including interment, disinterment, cremation, transportation, embalming, viewing of the deceased, burial or placement in a mausoleum crypt, deposit of ashes in the ground or in a niche and any other mode of disposal of human remains that is recognized by the rites and customs of the Roman Catholic Church.

10. The company may, gratuitously or by onerous title, acquire cemeteries owned by bodies under the authority of the Bishop of Nicolet, as well as all the structures on the premises.

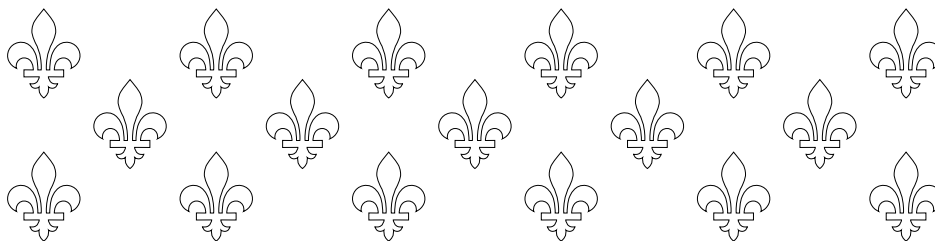
11. The Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1) applies to the company, subject to the provisions of this Act and with the necessary modifications.

12. All the acts performed by le Cimetière de Saint-Joseph de Victoriaville before the coming into force of this Act are confirmed, approved and ratified and may not be invalidated by the fact that

(a) certain official acts were issued before 2 July 1986 under the name of the corporation of le Cimetière St-Joseph rather than under the name "le Cimetière de Saint-Joseph de Victoriaville"; or

(b) the president of the corporation was the chair of the Fabrique de la paroisse de Sainte-Victoire and not the rector of Sainte-Victoire parish.

13. This Act comes into force on 17 December 2004.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 215

(Private)

An Act respecting Ville de La Tuque

Introduced 2 June 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 215

(Private)

AN ACT RESPECTING VILLE DE LA TUQUE

AS it is advisable to validate the application of loan by-law No. 85-96 of the former Municipalité de Lac-Édouard;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. By-law No. 85-96 of the former Municipalité de Lac-Édouard, and the work carried out, the expenditures made, the compensations or sums of money required and levied and the payments received from ratepayers under the by-law may not be invalidated for any of the following reasons:

- (1) the cost of the work exceeds the authorized cost;
- (2) the amount of the loan exceeds the authorized amount;
- (3) a compensation or sum of money was required and levied instead of the regular property tax;
- (4) the term of part of the loan exceeds the authorized term;
- (5) the amount levied annually exceeds the amount authorized for the period prior to the permanent financing of the loan;
- (6) the provisions relating to the payment in one instalment of the portion of the loan principal relating to an immovable were not properly applied;
- (7) tax accounts were not sent or were insufficient;
- (8) a compensation or sum of money was required and levied for immovables totally exempt from municipal or school property taxes under the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (9) the work benefits immovables not covered by the by-law.

A compensation or sum of money required or levied or a payment relating to an immovable made under the by-law before 17 December 2004 may not be contested and is deemed to have been required, levied or made under the by-law as amended by this Act.

2. Despite section 1 of the by-law, the amount of the expenditure the municipality is authorized to make and of the related loan is \$1,078,482.29. In addition, the term of the loan is

- (1) five years for the amount of \$19,082; and
- (2) 15 years for the amount of \$213,275.

3. Section 2 of the by-law is replaced by the following sections:

“2. In order to defray the annual payment of interest and principal of part of the loan, in the amount of \$19,082, a compensation is required of each owner of an immovable mentioned in Schedule A and will be levied each year for five years on each such immovable.

The amount of the compensation is calculated annually by distributing the cost incurred for the annual payment of interest and principal in proportion to the balances set out in Schedule A for each owner concerned.

“2.1. In order to defray the annual payment of interest and principal of part of the loan, in the amount of \$56,775, a compensation is required of each owner of an immovable mentioned in Schedule B and will be levied each year for 15 years on each such immovable.

The amount of the compensation is calculated annually by distributing the cost incurred for the annual payment of interest and principal in proportion to the balances set out in Schedule B for each owner concerned.

“2.2. In order to defray the annual payment of interest and principal of part of the loan, in the amount of \$156,500,

(1) for 50% of that amount, a compensation on each immovable mentioned in Schedule C is required of the owner of the immovable and will be levied each year for 15 years, in an amount calculated annually by dividing the annual payment for that part of the loan by the number of immovables whose owners are subject to payment of the compensation; and

(2) for 50% of that amount, a special tax at a sufficient rate is levied and will be collected each year for 15 years on all taxable immovables in the sector formed by the former Municipalité de Lac-Édouard, on the basis of their value as it appears on the assessment roll in force.”

4. An owner or occupant may be exempted from paying the compensation under section 2 or 2.1 or paragraph 1 of section 2.2 of the by-law by paying, in one instalment, the portion of the principal which, upon maturity of that part of the loan, would have been provided by the compensation required for the immovable. That portion must be calculated on the basis of the distribution set out in Schedule A or Schedule B, as the case may be, as it applies at the time of payment, and the calculation must take into account any compensations paid under those sections before the payment.

The payment must be made 30 days before the date of any financing or refinancing of the part of the loan concerned. The amount of the loan is reduced by an amount equal to any sum paid under this section.

This section does not apply with respect to the immovable located at 276 Principale (registration number 9680-53-4972) or the immovable located at 32 Damasse (registration number 9680-62-7931).

- 5.** The clerk must enter a reference to this Act in the book of by-laws of the town, below the by-law referred to in section 1.
- 6.** This Act does not affect cases pending on 4 March 2004.
- 7.** This Act comes into force on 17 December 2004.

SCHEDULE A

	<i>Registration Number</i>	<i>Location</i>	<i>Principal Balance ¹</i>	<i>Interest on Arrears</i>	<i>Balance</i>
1	9680-41-5915	305 Principale	\$1,295.00	\$0.00	\$1,295.00
2	9680-53-4972	276 Principale	\$1,503.00	\$113.00	\$1,616.00
3	9680-54-9607	270 Principale	\$1,295.00	\$0.00	\$1,295.00
4	9680-61-2476	44 Damasse	\$1,503.00	\$113.00	\$1,616.00
5	9680-64-1532	266 Principale	\$1,503.00	\$113.00	\$1,616.00
6	9680-64-9475	10 Saint-Henri	\$1,295.00	\$0.00	\$1,295.00
7	9680-84-9307	215 Principale	\$1,295.00	\$0.00	\$1,295.00
8	9680-93-1089	15 Saint-Pierre	\$1,503.00	\$113.00	\$1,616.00
9	9680-93-2983	5 Saint-Pierre	\$1,295.00	\$0.00	\$1,295.00
10	9680-95-4740	196 Principale	\$1,503.00	\$113.00	\$1,616.00
11	9680-96-4893	158 Principale	\$1,295.00	\$0.00	\$1,295.00
12	9680-96-6020	172 Principale	\$1,503.00	\$113.00	\$1,616.00
13	9680-97-9697	140 Principale	\$1,503.00	\$113.00	\$1,616.00
		Total:	\$18,291.00	\$ 791.00	\$19,082.00

¹ Amount that remains to be paid on the initial amount of \$2,198.

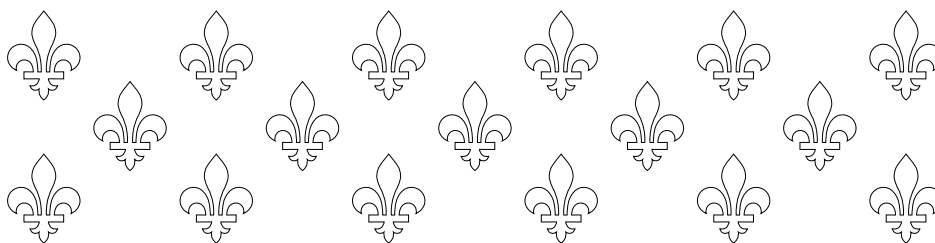
SCHEDULE B

	<i>Registration Number</i>	<i>Location</i>	<i>Principal Balance ¹</i>	<i>Interest on Arrears</i>	<i>Balance</i>
1	9680-41-7834	301 Principale	\$1,903.00	\$0.00	\$1,903.00
2	9680-52-3960	286 Principale	\$1,971.00	\$148.00	\$2,119.00
3	9680-53-2122	8 Cloutier	\$2,043.00	\$613.00	\$2,656.00
4	9680-62-7931	32 Damasse	\$2,093.00	\$644.00	\$2,737.00
5	9680-64-4199	11 Saint-Henri	\$2,198.00	\$684.00	\$2,882.00
6	9680-64-7909	265 Principale	\$1,971.00	\$148.00	\$2,119.00
7	9680-65-1433	28 Saint-Henri	\$2,198.00	\$824.00	\$3,022.00
8	9680-65-6236	15 Saint-Henri	\$2,034.00	\$305.00	\$2,339.00
9	9680-65-9709	14 Saint-Henri	\$2,198.00	\$824.00	\$3,022.00
10	9680-71-1173	39 Damasse	\$1,971.00	\$148.00	\$2,119.00
11	9680-71-2989	35 Damasse	\$1,971.00	\$148.00	\$2,119.00
12	9680-72-7433	27 Damasse	\$2,198.00	\$824.00	\$3,022.00
13	9680-72-9263	23 Damasse	\$2,147.00	\$644.00	\$2,791.00
14	9680-83-4233	9 Damasse	\$2,034.00	\$305.00	\$2,339.00
15	9680-83-5862	10 Saint-Pierre	\$1,696.00	\$254.00	\$1,950.00
16	9680-83-8490	223 Principale	\$1,971.00	\$148.00	\$2,119.00
17	9680-84-9593	200 Principale	\$1,903.00	\$0.00	\$1,903.00
18	9680-86-7030	285 Principale	\$1,962.00	\$410.00	\$2,372.00
19	9680-93-2117	8 Saint-Pierre	\$2,198.00	\$762.00	\$2,960.00
20	9680-93-5025	20 Saint-Pierre	\$1,971.00	\$148.00	\$2,119.00
21	9680-95-5773	188 Principale	\$2,198.00	\$824.00	\$3,022.00
22	9680-95-6085	184 Principale	\$2,198.00	\$824.00	\$3,022.00
23	9680-97-9370	144 Principale	\$1,971.00	\$148.00	\$2,119.00
		Total:	\$46,998.00	\$9,777.00	\$56,775.00

¹ Amount that remains to be paid on the initial amount of \$2,198.

SCHEDULE C

	<i>Registration Number</i>	<i>Location</i>		<i>Registration Number</i>	<i>Location</i>
1	9680-41-5915	305 Principale	31	9680-72-9263	23 Damasse
2	9680-53-2122	8 Cloutier	32	9680-83-4233	9 Damasse
3	9680-53-4972	276 Principale	33	9680-83-8490	223 Principale
4	9680-54-9607	270 Principale	34	9680-84-9593	200 Principale
5	9680-61-2476	44 Damasse	35	9680-93-2117	8 Saint-Pierre
6	9680-64-1532	266 Principale	36	9680-93-5025	20 Saint-Pierre
7	9680-64-4199	11 Saint-Henri	37	9680-97-9370	144 Principale
8	9680-64-9475	10 Saint-Henri	38	9679-16-9272	258 Principale
9	9680-83-5862	10 Saint-Pierre	39	9680-52-5218	289 Principale
10	9680-84-9307	215 Principale	40	9680-53-4501	282 Principale
11	9680-86-7030	285 Principale	41	9680-54-6677	16 Edgar
12	9680-93-1089	15 Saint-Pierre	42	9680-54-7895	36 Saint-Henri
13	9680-93-2983	5 Saint-Pierre	43	9680-54-7924	13 Edgar
14	9680-95-4740	196 Principale	44	9680-54-9972	12 Edgar
15	9680-95-5773	188 Principale	45	9680-63-3216	283 Principale
16	9680-95-6085	184 Principale	46	9680-64-3263	5 Saint-Henri
17	9680-96-4893	158 Principale	47	9680-65-3363	24 Saint-Henri
18	9680-96-6020	172 Principale	48	9680-65-5895	20 Saint-Henri
19	9680-97-9697	140 Principale	49	9680-72-1163	28 Damasse
20	9680-41-7834	301 Principale	50	9680-72-4708	31 Damasse
21	9680-52-3960	286 Principale	51	9680-72-5993	22 Damasse
22	9680-62-7931	32 Damasse	52	9680-73-2888	257 Principale
23	9680-64-7909	265 Principale	53	9680-74-9131	254 Principale
24	9680-65-0106	32 Saint-Henri	54	9680-75-0452	16 Saint-Henri
25	9680-65-1433	28 Saint-Henri	55	9680-82-1788	19 Damasse
26	9680-65-6236	15 Saint-Henri	56	9680-83-2714	15 Damasse
27	9680-65-9709	14 Saint-Henri	57	9680-94-1955	201 Principale
28	9680-71-1173	39 Damasse	58	9680-95-5359	192 Principale
29	9680-71-2989	35 Damasse	59	9680-96-6202	180 Principale
30	9680-72-7433	27 Damasse	60	9680-97-4030	154 Principale



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 217

(Private)

An Act respecting Industrial-Alliance Trust Company

Introduced 10 November 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 217

(Private)

AN ACT RESPECTING INDUSTRIAL-ALLIANCE TRUST COMPANY

AS Industrial-Alliance Trust Company (referred to throughout as “the Company”) is a trust company incorporated in Québec by letters patent issued on 15 July 1999 under the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) and is governed by that Act;

As the Company is a wholly-owned subsidiary of Industrial-Alliance Insurance and Financial Services Inc. (“Industrial-Alliance”);

As, given the changes made by certain Canadian provinces to legislation governing trust companies, the Company wishes to be continued as a trust company governed by the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45) in order to be able to carry on its activities as a trust company in all the provinces of Canada;

As the Trust and Loan Companies Act allows a body corporate incorporated otherwise than by or under an Act of the Parliament of Canada to apply for letters patent continuing the body corporate as a company under that Act if so authorized by the laws of the jurisdiction where it is incorporated;

As there is no legislation in Québec enabling a trust company incorporated in Québec to apply for letters patent of continuance;

As the Company is in compliance with the requirements of the Act respecting trust companies and savings companies and the attendant regulations;

As the directors of the Company and of Industrial-Alliance, which is the Company’s only shareholder, have adopted a resolution authorizing the Company to be continued as a trust company governed by the Trust and Loan Companies Act;

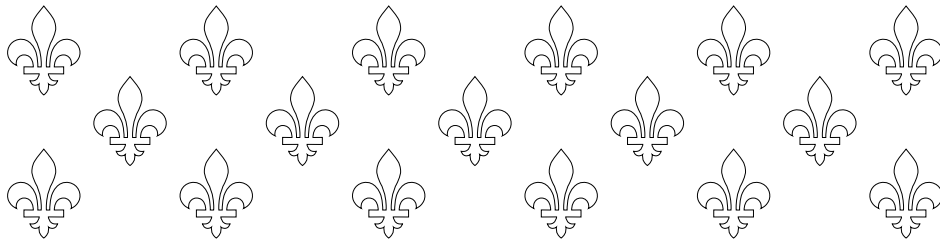
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Company is authorized to apply for letters patent of continuance under the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45).

2. On the date stated in the letters patent of continuance, the Company becomes a company deemed to have been incorporated under the Trust and Loan Companies Act.

3. If it fails to file an application for letters patent of continuance within 180 days after the date of assent to this Act, the Company will be required to obtain the written consent of the Agence nationale d'encadrement du secteur financier in order to file such an application.

4. This Act comes into force on 17 December 2004.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 218

(Private)

An Act respecting Laurentian Trust of Canada Inc.

Introduced 10 November 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 218

(Private)

AN ACT RESPECTING LAURENTIAN TRUST OF CANADA INC.

AS Laurentian Trust of Canada Inc. (referred to throughout as “the Company”) is a trust company incorporated by letters patent of amalgamation issued on 30 December 1996 under the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) and is governed by that Act;

As the Company is a wholly-owned subsidiary of the Laurentian Bank of Canada (“the Laurentian Bank”);

As, given the changes made by certain Canadian provinces to legislation governing trust companies, the Company wishes to be continued as a trust company governed by the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45) in order to be able to carry on its activities as a trust company in all the provinces of Canada;

As the Trust and Loan Companies Act allows a body corporate incorporated otherwise than by or under an Act of the Parliament of Canada to apply for letters patent continuing the body corporate as a company under that Act if so authorized by the laws of the jurisdiction where it is incorporated;

As there is no legislation in Québec enabling a trust company incorporated in Québec to apply for letters patent of continuance;

As the Company is in compliance with the requirements of the Act respecting trust companies and savings companies and the attendant regulations;

As the directors of the Company and of the Laurentian Bank, which is the Company’s only shareholder, have adopted a resolution authorizing the Company to be continued as a trust company governed by the Trust and Loan Companies Act;

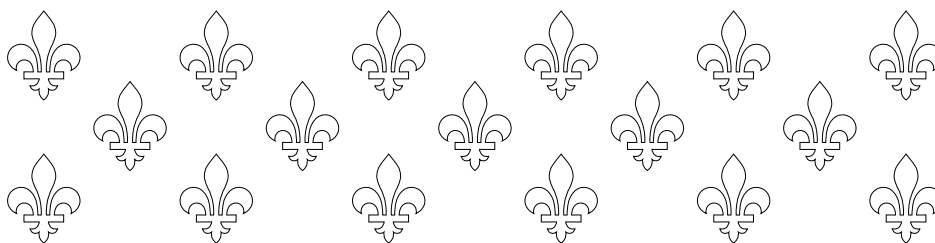
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Company is authorized to apply for letters patent of continuance under the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45).

2. On the date stated in the letters patent of continuance, the Company becomes a company deemed to have been incorporated under the Trust and Loan Companies Act.

3. If it fails to file an application for letters patent of continuance within 180 days after the date of assent to this Act, the Company will be required to obtain the written consent of the Agence nationale d'encadrement du secteur financier in order to file such an application.

4. This Act comes into force on 17 December 2004.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 221

(Private)

An Act respecting Ville de Sherbrooke

Introduced 11 November 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 221

(Private)

AN ACT RESPECTING VILLE DE SHERBROOKE

AS it is expedient to amend certain provisions of Order in Council 850-2001 dated 4 July 2001 respecting the amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont and Ville de Bromptonville, the municipalities of Ascot and Deauville, amended by Orders in Council 1475-2001 dated 12 December 2001, 509-2002 dated 1 May 2002 and 1078-2002 dated 18 September 2002 and by chapters 37, 68 and 77 of the statutes of 2002, chapter 19 of the statutes of 2003 and chapter 20 of the statutes of 2004 respecting Hydro-Sherbrooke and the appropriation of its operating revenues;

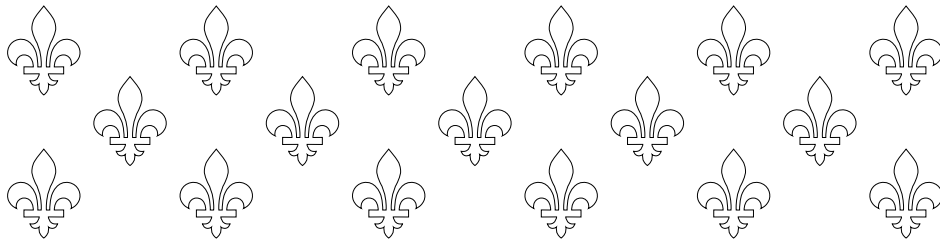
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 146 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke is amended by adding the following paragraph after the last paragraph:

“Furthermore, from 1 January 2005, any revenue of Hydro-Sherbrooke in excess of its operating expenses other than expenditures relating to its debts shall be appropriated for the payment, on a pro rata basis, of the expenditures relating to the debts of the municipalities mentioned in section 4 that are charged to all ratepayers of the territory of those municipalities. Any balance shall be paid into the general fund of the city.”

2. Section 147 of the said Order in Council is amended by striking out the third, fourth and fifth paragraphs.

3. This Act comes into force on 17 December 2004.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 222

(Private)

**An Act respecting the “Institut
universitaire de gériatrie de Sherbrooke
et sa version Sherbrooke Geriatric
University Institute”**

Introduced 7 December 2004

Passage in principle 16 December 2004

Passage 16 December 2004

Assented to 17 December 2004

**Québec Official Publisher
2004**

Bill 222

(Private)

AN ACT RESPECTING THE “INSTITUT UNIVERSITAIRE DE GÉRIATRIE DE SHERBROOKE et sa version SHERBROOKE GERIATRIC UNIVERSITY INSTITUTE”

AS the “Institut universitaire de gériatrie de Sherbrooke et sa version Sherbrooke Geriatric University Institute” was constituted under the Act to incorporate “The Sherbrooke Protestant Hospital.” (1888, chapter 64), as amended by chapter 117 of the statutes of 1903 and by chapter 152 of the statutes of 1914;

As under the Special Corporate Powers Act (R.S.Q., chapter P-16), the corporation changed its name to “Centre hospitalier de Sherbrooke – Sherbrooke Hospital Centre” on 31 March 1979;

As under section 548 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), the name and constituting act of the legal person “Centre hospitalier de Sherbrooke – Sherbrooke Hospital Centre” were amended by supplementary letters patent issued by the Inspector General of Financial Institutions on 17 April 1996 and 26 February 1997, which were replaced by new supplementary letters patent issued on 14 July 1999;

As under the provisions governing that legal person, the “Institut universitaire de gériatrie de Sherbrooke et sa version Sherbrooke Geriatric University Institute” does not have the power to operate a local community service centre within the meaning of the Act respecting health services and social services and it is expedient that this power be granted to it;

As it is also expedient to allow the constituting act of the legal person to be amended from now on by supplementary letters patent issued by the enterprise registrar under the Act respecting health services and social services;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The mission of the “Institut universitaire de gériatrie de Sherbrooke et sa version Sherbrooke Geriatric University Institute” is to operate a local community service centre, a general and specialized hospital centre and a residential and long-term care centre in accordance with the Act respecting health services and social services (R.S.Q., chapter S-4.2).

2. The head office of the legal person is situated in Sherbrooke.

- 3.** The value of the immovables that the legal person is authorized to own cannot exceed \$100,000,000.
- 4.** The provisions of the Act respecting health services and social services apply to the conditions of admission of the members of the legal person and to the other rules governing those members.
- 5.** Despite any inconsistent legislative provision, the provisions of this Act may be amended by supplementary letters patent issued under sections 548 to 550 or any other applicable provision of the Act respecting health services and social services.
- 6.** This Act replaces the Act to incorporate “The Sherbrooke Protestant Hospital.” (1888, chapter 64), amended by chapter 117 of the statutes of 1903, by chapter 152 of the statutes of 1914 and by supplementary letters patent issued under section 548 of the Act respecting health services and social services on 17 April 1996 and 26 February 1997 and replaced by new supplementary letters patent issued on 14 July 1999.
- 7.** This Act comes into force on 17 December 2004.

Draft Regulations

Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Occupational health and safety in mines — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety in mines, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of workers in the mining sector and to prescribe standards that are more appropriate for that sector.

The draft Regulation adds new definitions relating to explosives, in particular regarding the place of loading, the loading area and the blasting area. It amends certain air quality provisions and provisions relating to equipment, such as equipment powered by internal combustion or diesel engines, and hoists. Safety measures are increased as regards fire prevention, the storing and loading of explosives, fuel and other combustible materials, and electrical equipment. Two modules (IV and VI) are added that concern the training of underground mine workers.

To remove ambiguities resulting from the use of certain words, the draft Regulation clarifies tunnel faces, combustible liquids and grease, and certain terms such as materials and equipment.

To date, study of the matter has shown little impact on small and medium-sized businesses.

Further information may be obtained by contacting Gilles Gagnon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: (418) 266-4699; fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Alain Albert, Vice-president, Programs and Consultancy, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

GÉRARD BIBEAU,
*Chair of the Board of Directors and
Chief Executive Officer
Commission de la santé et de la
sécurité du travail*

Regulation to amend the Regulation respecting occupational health and safety in mines*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 7, 8, 10, 14, 19, 41, 42, 2nd and 3rd pars.)

1. The Regulation respecting occupational health and safety in mines is amended in section 1

(1) by inserting the following definition after the definition of “non-combustible material”:

““place of loading”: any place where workers load drill holes; (*lieu de chargement*)”;

(2) by inserting the following definitions after the definitions of “blasting agent” and “insulated” respectively:

““blasting area”: any place or space that presents a projection or blast hazard to a person or where a hazard exists because of the effects of the blasting; (*zone de tir*)”

““loading area”: any space that includes the place of loading, drill holes loaded or being loaded and any space occupied by the material and equipment necessary for the loading; (*zone de chargement*)”.

* The Regulation respecting occupational health and safety in mines, approved by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the regulation approved by Order in Council 42-2004 dated 14 January 2004 (2004, *G.O.* 2, 821). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

2. Section 27 is amended by replacing “, 412 and 437” by “, 412, 437 and 476.1”.

3. Section 27.1 is amended

(1) by inserting “IV,” after “III,” in subparagraph 1 of the first paragraph;

(2) by replacing “V” in the second paragraph by “IV, V”.

4. The following is inserted after section 27.1:

“**27.2.** Within 12 months following (*insert the date of coming into force of this Regulation*), any person using underground drilling equipment shall

(1) undergo training in occupational health and safety in accordance with Module VI of the modular course for miners published by the Commission scolaire de l’Or-et-des-Bois; and

(2) hold an attestation to that effect issued by the Commission scolaire de l’Or-et-des-Bois.

The conditions prescribed in subparagraphs 1 and 2 of the first paragraph also apply to a person hired after the expiry of the 12-month period provided for in the first paragraph; the person shall receive the training within 6 months of the date of hiring.

That person shall, so long as he has not undergone training in accordance with Modules I, II and III as provided in section 27.1, be accompanied by a person who has already received that training.”.

5. Section 40 is amended

(1) by replacing “working faces” in paragraph 2 by “tunnel faces”;

(2) by replacing “working face” in subparagraph *b* of paragraph 3 by “tunnel face”;

(3) by replacing “working faces” in paragraph 4 by “tunnel faces”;

(4) by replacing “working face” in subparagraph *b* of paragraph 4 by “tunnel face”.

6. Section 55 is amended by replacing “be free” in subparagraph 1 of the first paragraph by “except at the collar, be free”.

7. Section 87 is amended by adding the following at the end of the second paragraph:

“For the purposes of the first paragraph, a system that automatically shuts off the fresh air supply fan must be installed when the monitor referred to in subparagraph 4 of the second paragraph indicates that the carbon monoxide concentration exceeds 11.4 milligrams per cubic metre (10 ppm).”.

8. Section 102 is amended by inserting the following after subparagraph 3 of the first paragraph:

“(3.1) the addition of an additive to the diesel fuel must not result in the flash point of the fuel being lower than 37.8° Celsius (100° Fahrenheit);”.

9. Section 103.2 is amended by replacing paragraph 1 by the following:

“(1) the concentration of carbon monoxide in the undiluted exhaust gases of the engine exceeds 750 parts per million for haulage, clearing or service equipment;”.

10. Section 127 is amended by replacing paragraph 7 by the following:

“(7) be connected to a line equipped with a muffler capable of providing a continuous supply of compressed air from the surface and equipped with a single air flow control valve located inside the refuge station;

(7.1) not be supplied with air by a backup compressor located underground;”.

11. Section 130 is amended by replacing paragraph 8 by the following:

“(8) the combustible liquids and grease depot;”.

12. Section 133 is amended

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

“(2) in a depot containing more than 1,000 litres (220.0 gallons) of combustible liquids and grease;”;

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

“(4) on every motorized vehicle used to transport combustible liquids in a portable tank, as defined in NFPA 30-1996, Flammable and Combustible Liquids Code;

(5) on every motorized vehicle used in the supply of depots or the loading of explosives underground;

(6) at portable combustible liquid supply stations with an electric pumping system, unless the system is explosion-proof.”.

13. Section 134 is amended by replacing subparagraph 2 of the first paragraph by the following :

“(2) in a depot containing between 101 and 1,000 litres (between 22.2 and 220.0 gallons) of combustible liquids and grease.”.

14. Section 138 is replaced by the following :

“**138.** A fire door must be installed

(1) in a drift leading to a shaft as soon as the travelway is 100 metres (328.1 feet) from a shaft station such that it is isolated from the other parts of the mine in case of fire ; and

(2) at every access to a garage designed in accordance with the mine engineering plans and built after (*insert the date of coming into force of this Regulation*).

The door must

(1) be built of fireproof materials or covered with steel sheet on both sides ;

(2) be free of any obstruction ;

(3) have an automatic closing device in the case of a garage referred to in subparagraph 2 of the first paragraph ; and

(4) contain a small door for the circulation or evacuation of persons or have such a door alongside it.

For the purposes of this section, “garage” means the place where maintenance and mechanical repair are performed on the main mobile equipment, such as boom drills and scoop trams.”.

15. The following is inserted after section 151 :

“**151.1.** When more than 10 tires or more than 2,000 kilograms (4,409 litres) of other combustible materials, such as conveyor belts or ventilation ducts, are stored underground in the same location, the tires or materials must be stored in a depot or enclosure that

(1) is identified ;

(2) has a fire hose or fire extinguishing system ; and

(3) is located at least 15 metres (49.2 feet) from any place where welding or cutting work is carried out.

In addition, no person may park an unsupervised motorized vehicle less than 30 metres (98.4 feet) from a depot or enclosure referred to in the first paragraph or carry out repair or maintenance work inside the depot or enclosure.”.

16. The following is inserted after section 156 :

“**156.1.** The quantity of diesel fuel stored in a depot located underground may not exceed 7 days’ fuel requirements or exceed 9,000 litres (1,980 gallons).”.

17. The following is inserted after section 170 :

“**170.1.** In addition to complying with the standards referred to in Division XXVII of the Regulation respecting occupational health and safety, welding and oxygen cutting must comply with chapter 10 of CSA Standard W117.2-94, Safety in Welding, Cutting and Allied Processes, except section 10.10 of the standard.”.

18. Section 183 is amended by adding the following paragraph at the end :

“For the motorized vehicles referred to in the first paragraph that were manufactured before 1 April 1993, section 278 of the Regulation respecting occupational health and safety applies.”.

19. Section 225 is amended by replacing “or material” in the first paragraph by “, materials or equipment”.

20. Section 228 is amended by striking out “, the cage calling device”.

21. Section 242 is amended by replacing the second paragraph by the following :

“A greater speed that does not exceed the rated speed of the conveyance is permitted for the transportation of persons if

(1) alignment tests are carried out on the shaft guides with a decelerometer and recorded at intervals not exceeding 6 months ; an alignment test is also required following any incident damaging the shaft structure ; and

(2) the results of the tests performed at the speed referred to in the second paragraph with a load corresponding to the maximum number of persons permitted in the conveyance show a deceleration lower than 0.5 G in the vertical, lateral and longitudinal axes.

Where the rated speed of the conveyance is greater than 8 metres (26.2 feet) per second, a speed limiting device must be installed to be activated automatically when the hoistman responds to a three-bell signal.”.

22. Section 250 is amended by replacing “material” in the first paragraph by “materials”.

23. Section 293 is amended by adding the following after paragraph 4:

“(5) the loss of torsion strength exceeds 85%, unless an independent specialized enterprise performs electromagnetic inspections at intervals the enterprise determines and the inspections are documented.”.

24. Section 331 is amended by replacing “material is” in paragraph 2 by “materials are”.

25. Section 373 is amended by replacing “material” in paragraph 2 by “materials”.

26. Section 387 is amended in the part that precedes paragraph 1

(1) by inserting “materials or” after “transportation of”;

(2) by replacing “the side where the equipment is loaded or unloaded” by “the side where the materials or equipment are loaded or unloaded”.

27. Section 401.1 is amended in the French text by replacing “matériel” in paragraph 6 by “matériau”.

28. The following is inserted after section 404:

“**404.1.** Portable tanks used to transport, store or load water-based bulk explosives must

(1) be constructed in such manner that the surfaces in contact with the explosives are of a material that will not react with the explosives;

(2) be used only to transport the explosives;

(3) be identified on all sides by the word “EXPLOSIFS” in letters at least 102 millimetres (4 inches) high;

(4) except while loading, have hatches and valves closed and locked at all times; and

(5) have a maximum capacity of 1,500 kilograms (3,307 pounds) of explosives.”.

29. Section 410 is amended by adding “, except reusable wrappings considered to contain explosives; the wrappings must be returned to an explosives magazine.”.

30. The following is inserted after section 415:

“**415.1.** Underground, vehicles or pumping equipment used to load bulk explosives must be parked in a storage site that must

(1) be used solely for that purpose;

(2) be located at least 60 metres (196.9 feet) from the places referred to in paragraph 2 of section 423;

(3) be identified as provided in paragraph 5 of section 415; and

(4) be laid out so that no other vehicle may collide with the vehicles or equipment.

The vehicles and equipment referred to in the first paragraph may contain only explosives residues that cannot be placed in a magazine.”.

31. Section 424 is amended

(1) by replacing “oil or grease” wherever those words appear in subparagraph *g* of paragraph 1 by “combustible liquids and grease”, with the necessary modifications;

(2) by replacing paragraph 2 by the following:

“(2) at least 15 metres (49.2 feet) from a main travelway for off-track motorized vehicles in the case of a magazine installed as of (*insert the date of coming into force of this Regulation*);

(3) such that it is impossible for a vehicle to collide with the explosives; and

(4) subject to paragraphs 1 and 2, according to the plans and specifications of an engineer in the case of a magazine installed as of (*insert the date of coming into force of this Regulation*).

No person may park a motorized vehicle in front of an explosives magazine, except to allow explosives to be transported without interruption.”.

32. Section 439 is amended in the French text by replacing “matériel” in subparagraph 3 of the first paragraph by “matériau”.

33. The following is inserted after section 443:

“**443.1.** To drill a drill hole or a round in a cemented rock fill,

(1) the controls of the drill must be equipped with a protective screen designed or manufactured according to the plans and specifications of an engineer; and

(2) the operator must remain at the controls of the drill for the duration of the drilling.”.

34. Section 448 is amended

(1) by striking out “and a blasting” after “in a loading”;

(2) by adding “; during the loading operation, no other equipment may come into contact with the loaded portion of the drill holes” at the end after “completed”.

35. The following is inserted after section 448:

“**448.1.** During any interval between loading and blasting, the explosives used must retain their inherent properties until the blasting.”.

36. Section 449 is amended

(1) by inserting “drill” after “loaded” in the part preceding paragraph 1;

(2) by replacing “the detonating cords” in paragraph 1 by “explosives”.

37. The following is inserted after section 449.1:

“**449.2.** No motorized vehicle may be driven, parked or stopped under loaded drill holes in the roof of an underground working unless

(1) the detonator wires and explosives are completely inserted in the holes; and

(2) the collar of the holes is capped.”.

38. Section 450 is amended in the French text

(1) by replacing “le lieu de sautage doit être évacué” in the first sentence by “la zone de tir doit être évacuée”;

(2) by replacing “les accès au lieu de sautage doivent être surveillés” in the second sentence by “l'accès à la zone de tir doit être surveillé”.

39. Section 455 is amended by replacing paragraph 2 by the following:

“(2) all drill holes must be loaded and workers and equipment not required must be evacuated from the blasting area before the primer detonators are connected to the main fuse or shock tubes.”.

40. Section 458 is amended in the French text by replacing “du lieu de sautage” by “de la zone de tir”.

41. Section 464 is replaced by the following:

“**464.** Before firing, all access routes and approaches to the blasting area must be closed using identified barricades or be guarded to prevent any unexpected arrival of persons in the blasting area.”.

42. Section 473 is amended in the French text by replacing “matériel” by “matériau”.

43. The following is inserted after section 476:

“**476.1.** Electrical equipment having a voltage of 440 volts or more, such as stations, substations or control panels of motorized equipment, must be maintained under a preventive maintenance program specific to the establishment that includes periodic inspections in accordance with the manufacturer’s specifications, if any.

The inspection results must be recorded in a register.”.

44. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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