

Regulation to amend the Fishing Licences Regulation

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1, s. 162, par. 9)

1. The Fishing Licences Regulation, made by Order in Council 845-84 dated 4 April 1984 and amended by the Regulations made by Orders in Council 1255-84 dated 30 May 1984, 1319-85 dated 26 June 1985, 484-86 dated 16 April 1986, 630-88 dated 27 April 1988, 704-89 dated 10 May 1989, 462-90 dated 4 April 1990, 46-91 dated 16 January 1991, 280-92 dated 26 February 1992 and 310-93 dated 10 March 1993, is further amended, in section 1.1, by adding the following after the word “parallel”:

“or in the southern part of Area 19, described in Schedule XIX to the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, east of rivière Saint-Augustin.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1285

Draft Regulation

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Partition and assignment of benefits accrued — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The Draft Regulation proposes to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan following the passage, on 15 December 1995, of Chapter 70 of the Statutes of Québec of 1995 and the making of the Regulation respecting the application of Title IV.2 of the Act respecting the Government

and Public Employees Retirement Plan, by Order in Council 690-96 dated 12 June 1996, concerning the measures intended to facilitate retirement.

More specifically, the Draft Regulation provides that a member of the Government and Public Employees Retirement Plan and his spouse may obtain a statement of the benefits accrued under the retirement plan prior to legal proceedings in family matters upon presentation of a confirmation in writing from a certified mediator that he has obtained a family mediation mandate.

In addition, with the introduction in the Government and Public Employees Retirement Plan of new criteria of eligibility for retirement, it is expedient to provide for adjustments to the provisions of the Regulation respecting the establishment and reduction of accrued benefits for a member who leaves his occupation while he was entitled to receive an immediate reduced pension.

It is also expedient to provide for actuarial adjustments for purposes of partition when recalculating the pension of the pensioner in the pension plan of the senior administration who had started to be a member of his pension plan again.

Regulatory amendments will be retroactive to 1 January 1996 by concordance with the coming into force of the legislative and regulatory amendments referred to above, that have an impact on the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan.

Those amendments do not have any significant impact on the Government and Public Employees Retirement Plan nor on the pension plan of members of the senior administration;

Study of the matter has not revealed any significant negative impact on the public and businesses.

Finally, the Draft Regulation also comprises certain amendments of a technical nature.

Further information may be obtained by contacting Mr. Serge Birtz, Secretary and Director of legal affairs, Commission administrative des régimes de retraite et d'assurances, 2875, boulevard Laurier, Sainte-Foy (Québec), G1V 4J8, tel.: (418) 644-9910, fax: (418) 644-0265.

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, at the address mentioned

above, to Mr. Michel Sanschagrín, Chairman of the Commission administrative des régimes de retraite et d'assurances.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service and
Chairman of the Conseil du trésor*

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 134, pars. 14.2 to 14.6; 1995, c. 70, s. 34)

1. 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 dated 20 March 1991 and amended by the Regulation made by Order in Council 1191-95 dated 6 September 1995, is further amended by inserting the following at the beginning of subparagraph 3 of the first paragraph of section 1: "confirmation in writing from a certified mediator that he has obtained a family mediation mandate, or".

2. The following is inserted after subparagraph 3 of the first paragraph of section 3:

"(3.1) where the employee has ceased to be a member of the plan after 31 December 1995 while he was entitled to a reduced pension that he was not receiving at the date of assessment, the accrued benefits are deemed to correspond to a pension payable on the closest date on which a pension would otherwise have been granted to him without actuarial reduction at the time of his ceasing to be a member of that plan;"

3. The following is substituted for paragraph 1 of section 16:

"(1) where the employee or former employee is entitled to a refund of contributions, to a payment of actuarial value or is entitled to transfer and amount under a transfer agreement entered into in accordance with section 158 of the Act, the amount of the refund of contributions, of the payment of actuarial value or the amount to be transferred shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each

period under Schedule VI to the Act and accrued from the date of assessment to the date on which the refund, payment or transfer is made. Notwithstanding the foregoing, no interest is calculated on the portion of those sums that relate to years or parts of years of service under the Teachers Pension Plan or the Civil Service Superannuation Plan, if those sums come from an entitlement to a refund of contributions. A separate calculation shall be made in the case of a pension credit;"

4. The following is inserted after section 16:

"**16.1** If the amount paid to the spouse comes from the entitlement to a pension referred to in subparagraph 3.1 of the first paragraph of section 3 or to a pension credit payable at the date on which that pension is payable, the benefits of the employee or former employee shall be established in accordance with the Act and his pension or pension credit shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

5. Section 19 is amended

"(1) by substituting the following for the third paragraph:

"If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit obtained pursuant to the first paragraph begins to apply before the date of the pensioner's 65th birthday, the amount of pension or pension credit shall be reduced respectively by 0.33 % per month and 0.50 % per month, calculated for each month between the date on which the amount of pension or pension credit begins to apply and the date of his 65th birthday, without exceeding 65 % in the case of the reduction applicable to the amount of pension;"

(2) by substituting the following for the fifth paragraph:

"If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the date of the pensioner's 65th birthday, it shall be increased by 0.75 % per month, calculated for each month between the date on which it begins to apply and the date of his 65th birthday."

6. The following is inserted after section 19:

"**19.1** For the purposes of sections 16.1 and 18, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at

the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 7. The amount is presumed applicable at the date determined pursuant to subparagraph 3.1 of the first paragraph of section 3.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension would be if it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit obtained pursuant to the first paragraph begins to apply before the determined date, the amount of pension or pension credit shall be respectively reduced by 0.33 % per month and by 0.50 % per month, calculated for each month between the date on which the amount of pension or pension credit begins to apply and that determined date, without exceeding 65 % in the case of the reduction applicable to the amount of pension.

If the pensioner retired before the date of payment and if that date occurs after the determined date, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50 % per month, calculated for each month between the determined date and the date on which the amount of pension begins to apply, if the pensioner retired before the determined date, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the determined date or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50 % per month, calculated for each month between the determined date and the date on which the amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or after that date, it shall be increased by 0.50 % per month, calculated for each month between the determined date and the date of his 65th birthday, and by 0.75 % per month, calculated for each month between the latter date and the date on which the amount of pension credit begins to apply.'

7. The following paragraph is substituted for the last two paragraphs of section 20:

"The amount of pension credit obtained pursuant to the first paragraph shall be increased, for each month

between the date of assessment and the date on which it begins to apply, by 0.50 % for each month before the date of the pensioner's 65th birthday and by 0.75 % for each month after that date."

8. The following is substituted for section 24:

"**24.** Any refund of contributions to be made following a death shall be reduced by the sums awarded to the spouse with interest compounded annually at the rate determined for each period under Schedule VI to the Act and accrued from the date of assessment to the date on which the refund is made, except for the period during which a pension is paid. Notwithstanding the foregoing, no interest shall be calculated on the portion of those sums that relate to years or parts of years of service under the Teachers Pension Plan or the Civil Service Superannuation Plan, if those sums come from an entitlement to a refund of contributions. A separate calculation shall be made for the refund of the sums paid for the purchase of a pension credit."

9. The following is inserted after section 24.6:

"**24.7** Section 21 is amended by adding the following paragraphs:

"Moreover, if the actuarial reduction that applied on each portion of pension is cancelled in whole or in part pursuant to section 15.1 of this Order in Council, each amount of pension that was used to reduce each portion of actuarially reduced pension shall be adjusted in accordance with the actuarial practice generally recognized and applied to the plan.

That adjustment shall be made according to the following parameters:

(1) the number of months during which the pensioner fills of fills again an office referred to shall be withheld to reduce the actuarial adjustment applicable to the amount of the pension that would be obtained from sums awarded to the spouse at the date of assessment or, where applicable, to revalue the amount of the pension. Notwithstanding the foregoing, where payment was made during the period during which the pensioner fills or fills again a function referred to, the number of months comprised between the date of the beginning of that period and the date of payment shall not be considered;

(2) if the amount of the pension that would be obtained from the sums awarded to the spouse at the date of assessment applies prior to the date deemed applicable under the provisions of this Regulation, the actuarial adjustment applied to that amount shall be reduced up to the number of months used to establish that actuarial adjustment and the amount of the pension that would be

obtained from the sums awarded to the spouse at the date of assessment shall be revalued by the number of remaining months;

(3) if the amount of the pension that would be obtained from the sums awarded to the spouse at the date of assessment applies after the date deemed applicable under the provisions of the Regulation, it shall be revalued;

(4) for the purposes of the reduction, the percentage shall be 0.33 % per month and for those of the revaluation, it shall be 0.50 % per month.

10. For the purposes of the reduction applicable to the amount of the pension provided for in the third paragraph of sections 19 and 19.1, the percentage of 0.33 % shall continue to read 0.50 % until 31 March 1996.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 1996.

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Draft

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Partition and assignment of benefits accrued — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Order in Council to amend the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec, the text of which appears below, may be made by the Government upon the expiry of a 45-day period following this publication.

The purpose of the draft Order in Council is to provide that a participant in the Pension plan for federal employees transferred to employment with the gouvernement du Québec and his spouse may obtain a statement of the benefits accrued under that plan prior to proceedings in family matters upon presentation of a confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate.

To date, study of the matter has revealed no significant financial impact on that pension plan and no financial impact on the public and on businesses.

Further information may be obtained by contacting Mr. Serge Birtz, Secretary and Director of Legal Affairs of the Commission administrative des régimes de retraite et d'assurances, 2875, boulevard Laurier, Sainte-Foy (Québec), G1V 4J8, tel.: (418) 644-9910; fax: (418) 644-0265.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Michel Sanschagrin, Chairman of the Commission administrative des régimes de retraite et d'assurances at the above-mentioned address.

JACQUES LÉONARD,
*Minister for the Administration
and the Public Service, and
Chairman of the Conseil du trésor,*

SCHEDULE

Amendment to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec

1. The Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec, Order in Council 1193-95 dated 6 September 1995, is amended by inserting "confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate, or" at the beginning of subparagraph 3 of the first paragraph of section 1.

2. This amendment comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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