

10. Sections 3, 5 and 6 apply only to an employee who ceased to be a member of the Government and Public Employees Retirement Plan between 31 December 1999 and 1 January 2001, or of the Pension Plan of Management Personnel after 31 December 2000.

SCHEDULE I

CLASSES OF EMPLOYEES

(s. 3)

- (1) administrators of state I;
- (2) persons appointed under section 57 of the Public Service Act who hold a position of deputy minister or whose deed of appointment stipulates that they have the rank and privileges of a deputy minister;
- (3) the executive assistant to the Premier;
- (4) the persons designated in paragraphs 4, 5 and 7 of Schedule II to the basic Order in Council who hold a position for which the salary level is at least DM06 in the salary structure, approved by the Government, for officers and members of bodies or agencies;
- (5) the Auditor General;
- (6) the Secretary General of the National Assembly, if the basic Order in Council applies to the Secretary General;
- (7) the Public Protector, except if section 8 of the Public Protector Act (R.S.Q., c. P-32) applies to the Public Protector;
- (8) any person who belonged to one of the classes of employees designated in paragraphs 1 to 7 and whose remuneration and conditions of employment are maintained by the Government;
- (9) all other persons employed by a government department, a public or parapublic body or agency or by a body or an agency designated by the Government, if the Government makes an order to that effect.

SCHEDULE II

ACTUARIAL ASSUMPTIONS AND METHOD

(s. 4)

- (1) Actuarial method:

the actuarial method is the “benefit allocation” method;

- (2) Actuarial assumptions:

(a) mortality rate: GAM-83 men and GAM-83 women (The 1983 Group Annuity Mortality Table, Transaction of the Society of Actuaries, Vol. XXXV, pp. 880 and 881), weighted equally;

(b) rate of interest: 9% for the first 15 years following the date of assessment and 6.5% thereafter;

(c) rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9): 5.5% for the first 15 years following the date of assessment and 3% thereafter;

(d) proportion of members who have a spouse at the time of retirement: 60%;

(e) age of spouse: identical to that of the member.

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Gouvernement du Québec

O.C. 964-2003, 17 September 2003

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3)

Comité de retraite du régime de retraite des élus municipaux — Exercise of powers and internal management

By-law respecting the exercise of powers and internal management of the Comité de retraite du régime de retraite des élus municipaux

WHEREAS the first paragraph of section 70.8 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) provides that the Comité de retraite du régime de retraite des élus municipaux may make by-laws respecting the exercise of its powers and its internal management;

WHEREAS the second paragraph of that section provides that by-laws made under that section only come into force after being approved by the Government;

WHEREAS, at a sitting held on 6 March 2003, the pension committee, by Resolution CR-RREM 03-03, made the By-law respecting the exercise of powers and internal management of the Comité de retraite du régime de retraite des élus municipaux;

Whereas it is expedient to approve the By-law ;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation :

THAT the By-law respecting the exercise of powers and internal management of the Comité de retraite du régime de retraite des élus municipaux, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

By-law respecting the exercise of powers and internal management of the Comité de retraite du régime de retraite des élus municipaux

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3, s. 70.8)

DIVISION I SITTINGS OF THE PENSION COMMITTEE

1. The Comité de retraite du régime de retraite des élus municipaux, established under the first paragraph of section 70.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), shall hold its sittings on the premises of the Commission administrative des régimes de retraite et d'assurances or at any other place in Québec fixed in the notice of sitting.

2. The committee shall hold at least two regular sittings per year.

3. The committee shall sit in private. The committee may, however, on the conditions it considers appropriate, invite or authorize any person to attend a sitting.

4. Sittings of the committee shall be called by the chair.

The notice of sitting must be in writing and be sent by the secretary to all the members at their last known address at least seven clear days before the date of the sitting, together with the agenda and relevant documents.

5. In the interest of expediency, a special sitting may be held. It may be called by a notice given by fax, telephone or other means at least 24 hours before the sitting is held.

6. The chair shall call a sitting of the committee at the written request of any two members. If the sitting is not called within three days after receipt of the request, the requesting members may call it by sending a notice of sitting to all the members at least 24 hours before the sitting is held.

7. A sitting of the committee may be cancelled before being held, on oral or other notice to all members by the chair or the secretary. If a sitting is cancelled, a new notice of sitting must be sent.

A sitting of the committee may be adjourned and continued at a later time on the same day or another day, in which case a new notice of sitting is not required.

8. The formalities and notification requirements for the calling of a sitting may be set aside with the consent of all the members.

A member may waive the formalities and notification requirements pertaining to the notice of sitting provided that he or she does so in writing. The waiver may take place before or after the sitting for which the notice should have been given and is equivalent to notice having been received by the member signing the waiver.

The presence of a member at all or any part of a sitting constitutes a waiver by the member of a notice of sitting that should have been given or that was not given in a timely manner in relation to the sitting.

9. If no quorum is present 30 minutes after the time fixed for the sitting, the chair shall cancel the sitting. The chair may, however, extend that time.

10. After ascertaining the presence of the quorum required by section 70.5 of the Act, the chair shall open the sitting.

11. A sitting may deal with an item that is not on the agenda with the consent of a majority of the members present.

12. If, during a sitting, the chair observes that a quorum is no longer present, the time at which the lack of a quorum is observed and the number of members present at that time shall be entered in the minutes before the chair adjourns the sitting.

13. Decisions of the committee are made by a resolution carried by a majority vote of the members present, excluding the chair ; in the event of a tie vote, the chair is entitled to vote.

14. Votes are taken by a show of hands or by voice.

A declaration by the chair that a resolution has been carried unanimously or by a majority, or has not been carried, is sufficient evidence of the fact.

15. A secret ballot shall be taken if required by the chair or requested by at least two members. It shall be taken in the manner as the chair directs, without any debate on the advisability of a vote by secret ballot.

A request for a secret ballot may be withdrawn by the requesting person or persons at any time before it is taken.

16. A proposed resolution may, exceptionally, be sent to the members by mail, fax, or other means.

Within the time specified by the secretary, each member must indicate his or her acceptance or rejection or, as the case may be, abstention, on the proposed resolution and sign it.

The time specified by the secretary may not be less than two juridical days unless all the members consent in writing to a shorter time.

If the secretary does not receive a member's vote within the specified time, the member is presumed to have abstained from voting.

The resolution is carried by a favourable vote of at least four members. It has the same value and effect as if carried at a duly called and regularly constituted sitting.

The resolution shall be entered in the minutes of the sitting that follows the date on which the resolution is signed, and the minutes shall indicate whether the resolution was carried unanimously or by a majority, or was not carried. In such a case, the chair's vote counts only in the event of a tie vote.

For the purposes of this section, Saturday is a non-juridical day.

17. Decisions of the committee to amend, replace or revoke this By-law require the vote of at least five members present.

18. A member in a situation where personal interest conflicts with his or her duties as a committee member must disclose the interest and withdraw from the sitting while the matter giving rise to the situation of conflict of interest is being discussed or voted on.

DIVISION II**SUBCOMMITTEES OF THE PENSION COMMITTEE**

19. The pension committee may, for special purposes, form subcommittees composed in equal numbers of at least one representative of the government and at least one representative of elected municipal officers or of beneficiaries.

The members of the subcommittees shall be appointed by a resolution of the pension committee.

20. The quorum of a subcommittee is two members, each member representing one of the parties.

21. Decisions of the subcommittees require a majority vote of the members present. Decisions must be unanimous, however, if only two members are present.

22. The subcommittees shall report on their activities by presenting the record of their sittings to the pension committee.

The subcommittees shall make the recommendations they consider appropriate to the pension committee.

23. This By-law comes into force on the date of its approval by the Government.

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Gouvernement du Québec

O.C. 972-2003, 17 September 2003

Code of Civil Procedure
(R.S.Q., c. C-25; 2002, c. 7)

Mediation of small claims

Regulation respecting the mediation of small claims

WHEREAS, under article 973 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002, the clerk of the Court of Québec will refer the parties to the mediation service if the parties so wish;

WHEREAS, under paragraphs *b*, *c* and *d* of article 997 of the Code of Civil Procedure, also replaced by section 148, the Government may make regulations establishing the conditions that a mediator must satisfy to be certified, the rules and obligations applicable to the function of certified mediator, as well as the sanctions for non-compliance