

Gouvernement du Québec

O.C. 525-2009, 6 May 2009

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act — Amendments

Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, with respect to classes of employees designated under the first paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement;

WHEREAS the Government made Order in Council 961-2003 dated 17 September 2003 concerning the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS it is expedient to amend the Order in Council;

WHEREAS, under the fourth paragraph of section 208 of the Act, an order under the first paragraph of that section may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Amendments to the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, attached to this Order in Council, be made;

THAT the Amendments have effect as of 1 January 2010, except the amendment in section 3, which has effect from 7 May 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Amendments to the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 208, 1st par.)

1. The Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 961-2003 dated 17 September 2003, are amended in section 1

(1) by replacing “established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)” in the definition of “Commission” by “established by section 1 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (R.S.Q., c. C-32.1.2)”;

(2) by replacing “, where applicable, Order in Council 245-92 dated 26 February 1992, as it read on 16 September 2003” in the definition of “basic Order in Council” by “its subsequent amendments”;

(3) by inserting the following definition in alphabetical order:

““former pension plan” means a former pension plan as defined in section 1 of the basic Order in Council; (*régime de retraite antérieur*)”.

2. Section 3 is amended by replacing “under” in subparagraph 6 of the first paragraph by “in accordance with the provisions of the former pension plan and”.

3. The following is inserted after section 9:

“**9.1.** The spouse may waive the spousal benefits granted pursuant to this Order in Council only if the spouse has waived the spousal benefits granted pursuant to the plan and the basic Order in Council. The spouse may, to the same extent, revoke his or her waiver.

* The Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, made by Order in Council 961-2003 dated 17 September 2003 (2003, *G.O.* 2, 2972), were last amended by Order in Council 1235-2005 dated 14 December 2005 (2005, *G.O.* 2, 5519). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

A waiver or revocation of the waiver by the spouse of spousal benefits granted under the plan and the basic Order in Council or a cancellation of such a waiver is also valid in respect of spousal benefits granted under this Order in Council.

Where the employee elects to transfer the actuarial value of his or her pension pursuant to section 16 of the basic Order in Council, the waiver by the spouse of the spousal benefits granted under this Order in Council is cancelled.”.

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Gouvernement du Québec

O.C. 536-2009, 6 May 2009Forest Act
(R.S.Q., c. F-4.1)**Forestry fund**
— Contributions
— Amendments

Regulation to amend the Regulation respecting contributions to the forestry fund

WHEREAS, under the first paragraph of section 73.4 of the Forest Act (R.S.Q., c. F-4.1), every holder of a timber supply and forest management agreement must, at such intervals as are determined by regulation of the Government, pay to the Minister of Natural Resources and Wildlife a contribution for the financing of activities related to forest management;

WHEREAS, under the second paragraph of that section, the contribution, paid into the forestry fund under section 73.5 of the Forest Act, is to be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in the agreement and is determined on the date or dates fixed by the regulation;

WHEREAS, under section 95.2.1 of the Forest Act, sections 73.4 and 73.5 of the Act apply to the holder of a wood processing plant operating permit who has entered into an auxiliary timber supply guarantee agreement as if the permit holder were the holder of a timber supply and forest management agreement;

WHEREAS, under the second paragraph of section 92.0.2 of the Forest Act, a holder of a wood processing plant operating permit who acquires timber from an agree-

ment holder authorized to send it to the permit holder must pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the holder of a wood processing plant operating permit from the agreement holder;

WHEREAS, under subparagraph 3 of the first paragraph of section 92.0.3 of the Forest Act, the Minister may, if considered expedient by the Minister, accredit the holder of a wood processing plant operating permit to enable the permit holder to obtain a management permit in a management unit to supply the holder's plant where a volume of timber is made available following a person's waiver of the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by that person to exercise that right in a previous year;

WHEREAS, under the second paragraph of section 92.0.11 of the Forest Act, in such a case, the holder of a wood processing plant operating permit must also pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation;

WHEREAS, under subparagraphs 18.2 and 18.2.1 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, set the rate referred to in the second paragraph of section 73.4 and in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;

WHEREAS the Government made the Regulation respecting contributions to the forestry fund by Order in Council 328-2002 dated 20 March 2002;

WHEREAS the Regulation to amend the Regulation respecting contributions to the forestry fund, made by Order in Council 1188-2006 dated 18 December 2006, sets new rates to implement the measure consisting in resuming charge of forest seedling production to enhance the Silvicultural Investment Strategy to support the forest industry;