



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 78

(2015, chapter 33)

An Act to regulate the granting of transition allowances to Members who resign during their term of office

**Introduced 12 November 2015
Passed in principle 24 November 2015
Passed 3 December 2015
Assented to 3 December 2015**

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EXPLANATORY NOTES

This Act amends the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly in order to regulate the granting of transition allowances to Members who resign during their term of office. A resigning Member may receive a transition allowance only if the Ethics Commissioner determines that the resignation is due to a serious family matter or a major health issue affecting the Member or a member of his or her immediate family. If the decision is favourable, the Ethics Commissioner must give public notice without disclosing the reasons for the decision.

Under the Act, the transition allowance of a Member who obtained a favourable decision from the Ethics Commissioner will be adjusted to reflect the Member's employment, professional, business and retirement income, and the Member will be required to reimburse any overpayment of the allowance.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1).

Bill 78

AN ACT TO REGULATE THE GRANTING OF TRANSITION ALLOWANCES TO MEMBERS WHO RESIGN DURING THEIR TERM OF OFFICE

AS, in a unanimous decision, the Office of the National Assembly created, on 13 June 2013, an independent committee chaired by retired justice Claire L'Heureux-Dubé and mandated to propose new conditions of employment for the Members of the National Assembly;

AS the committee's report, tabled in the National Assembly on 29 November 2013, recommends various legislative and regulatory amendments with respect to the indemnities and allowances, lodging expenses and pension and insurance plans of the Members of the National Assembly, as well as the creation of a permanent independent committee mandated to periodically review their conditions of employment;

AS the L'Heureux-Dubé independent committee recommended that the changes come into force at the beginning of the legislature that follows the legislative and regulatory amendments giving effect to the report's recommendations;

AS the L'Heureux-Dubé independent committee stated that its recommendations form a coherent whole and that it would be inappropriate to retain only some of its elements;

AS the granting of transition allowances to Members who resign during their term of office should be regulated as of the current legislature and as a second bill, governing the other conditions of employment of the Members of the National Assembly applicable as of the 42nd Legislature and providing for the creation of a permanent independent committee mandated to periodically review those conditions of employment, is being introduced simultaneously;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 12 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1) is replaced by the following section:

“12. A Member who is defeated in an election, or who serves out a term as Member but is not a candidate in the next election, is entitled to a transition allowance.

A Member who resigns during his term of office is also entitled to a transition allowance on condition that his resignation is due to a serious family matter or to a major health issue affecting him or a member of his immediate family.”

2. The Act is amended by inserting the following section after section 12:

“12.1. The Ethics Commissioner shall determine whether one of the conditions set out in the second paragraph of section 12 has been met.

Before rendering a decision, the Ethics Commissioner shall give the resigning Member an opportunity to present observations and be heard. The Ethics Commissioner shall send the decision in writing to the Member and to the Secretary General of the National Assembly. If the decision is favourable, the Ethics Commissioner must give public notice, without disclosing the reasons for the decision.

If the decision is favourable, the allowance is paid retroactively from the date the Member’s term of office ended.”

3. Section 13 of the Act is amended

(1) by replacing “The allowance” at the beginning of the first paragraph by “The transition allowance”;

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

“In the case of a resigning Member who obtained a favourable decision under section 12.1, the amount paid must be reduced by an amount equal to the employment, professional, business or retirement income the Member receives or is entitled to receive during the period defined in the third paragraph.”

4. The Act is amended by inserting the following section after section 13:

“13.1. If, during the period defined in the third paragraph of section 13, the resigning Member who obtained a favourable decision under section 12.1 received or was entitled to receive employment, professional, business or retirement income, the resigning Member must file a written statement with the Ethics Commissioner within 60 days after the end of the period defined in the third paragraph of section 13, stating the nature and amount of the income. The Ethics Commissioner shall send the statement to the Secretary General of the National Assembly.

If the total amounts paid as a transition allowance exceed what the Member was entitled to, given the employment, professional, business or retirement income actually received, the former Member shall reimburse the overpayment.

If the former Member fails to file the required statement with the Ethics Commissioner within the time prescribed in the first paragraph, the Secretary General of the National Assembly must demand the full reimbursement of the

transition allowance, unless the former Member subsequently files the required information with the Commissioner within a reasonable time.”

5. This Act comes into force on 12 November 2015.