



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 27

**An Act respecting the Commission
administrative des régimes de retraite
et d'assurances**

Introduction

**Introduced by
Madam Monique Jérôme-Forget
Minister responsible for Government Administration and
Chair of the Conseil du trésor**

**Québec Official Publisher
2006**

EXPLANATORY NOTES

This bill establishes, in a separate Act, the Commission administrative des régimes de retraite et d'assurances. The Commission is a legal person and a mandatary of the State. The main function of the Commission is to administer the pension plans of public sector employees.

The bill amends the administrative organization of the Commission to provide for the establishment of a board of directors and three board committees: the audit committee, the governance and ethics committee and the human resources committee. The bill also specifies certain functions of the board of directors and substantially maintains the Commission's current financing rules.

Moreover, the bill makes amendments to the responsibilities of the pension committees and their composition. It also amends the Act respecting the Pension Plan of Management Personnel to introduce provisions on the pension committee of that plan, on reexamination and on the arbitration of decisions that were formerly found in the Act respecting the Government and Public Employees Retirement Plan.

Lastly, the bill includes consequential amendments to several Acts as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Public Administration Act (R.S.Q., chapter A-6.01);
- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
- Police Act (R.S.Q., chapter P-13.1);
- 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 Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- 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);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 27

AN ACT RESPECTING THE COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

- 1.** A legal person is established under the name “Commission administrative des régimes de retraite et d’assurances”.
- 2.** The Commission is a mandatary of the State.

The property of the Commission forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The Commission binds none but itself when it acts in its own name.

- 3.** The head office of the Commission is located in the territory of the Communauté métropolitaine de Québec. The Commission may hold its meetings anywhere in Québec.

CHAPTER II

FUNCTIONS AND POWERS

- 4.** The function of the Commission is to administer the pension plans established under

(1) the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

(2) the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(3) the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(4) the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12); and

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

The function of the Commission is also to administer every other pension or insurance plan entrusted to its administration by statute, the Office of the National Assembly or the Government.

5. The Commission must prepare actuarial valuations at the request of the Minister of Finance in order that its obligations under the pension plans may be recorded in the Government's financial statements.

6. Unless a request to do more is made jointly by the Government and the associations negotiating the conditions of employment of the employees who are members of the pension plans referred to in subparagraphs 1 to 4 of the first paragraph of section 4, or by the Government and the associations representing the employees who are members of the pension plan referred to in subparagraph 5 of that paragraph, the only studies the Commission may carry out on those plans are studies on their administration.

7. The Commission must adopt policies on the security and management of its information resources.

8. Subject to the applicable legislative provisions, the Commission may enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

9. Chapter II of the Public Administration Act (R.S.Q., chapter A-6.01), except section 29, the second paragraph of section 32 and Chapter VI of that Act do not apply to the Commission.

CHAPTER III

ORGANIZATION AND OPERATION

10. The affairs of the Commission are administered by a board of directors composed of 15 members appointed by the Government, including the chair of the board, the president and chief executive officer of the Commission, who is a member of the board by virtue of office, and 13 other members, including

(1) four members representing the Government;

(2) three members representing the employees who are members of the pension plans administered by the Commission, two of whom represent the employees covered by the Government and Public Employees Retirement Plan and one, the employees covered by the Pension Plan of Management Personnel;

(3) one member representing the pensioners under any of the pension plans administered by the Commission; and

(4) five independent members.

A member of the board may not be a member of the pension committee of a pension plan administered by the Commission.

11. Independent members must have no relationships or interests likely to affect generally the quality of their decisions with regard to the interests of the Commission.

Independent members may not, on pain of removal from office,

(1) be in the employ of the Commission, the Government or a body whose employees are members of a pension plan administered by the Commission or have been so in the three years preceding appointment to office, or be in the employ of an association of employees or an association representing management personnel or have been so during that period; or

(2) have or have had other ties as determined by regulation of the Government.

12. The chair of the board of directors must be an independent member.

The offices of chair of the board and president and chief executive officer may not be held concurrently.

13. The chair of the board of directors presides at meetings of the board and sees to the smooth operation of the board and the board committees.

The chair also assumes any other responsibility assigned by the board.

14. The president and chief executive officer and the independent members of the board of directors are appointed after consulting with the board and taking into account any expertise and experience profile established by it.

15. The Government may dismiss the president and chief executive officer after consulting with the board of directors.

16. Members of the board of directors, other than the president and chief executive officer, receive no remuneration except in the cases and on the conditions that may be determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions in the cases, on the conditions and to the extent determined by the Government.

17. Members of the board of directors are appointed for a term of up to three years, except for the chair of the board and the president and chief executive officer who are appointed for a term of up to five years.

On expiry of their term, the members of the board remain in office until replaced or reappointed.

18. A vacancy on the board of directors, except for the position of president and chief executive officer, must be filled for the remainder of the term of office in accordance with the rules of appointment provided in this Act.

Absence from the number of board meetings determined by by-law of the Commission constitutes a vacancy in the cases and circumstances indicated in the by-law.

19. The board of directors designates a vice-chair from among its independent members. The vice-chair acts as chair if the chair of the board is absent or unable to act.

20. The responsibilities of the board of directors include

- (1) adopting the strategic plan, the action plan and the service statement;
- (2) determining the Commission's annual budget;
- (3) approving the Commission's financial statements and annual report;
- (4) approving pension plan financial statements after consulting the pension committees concerned;
- (5) adopting a code of ethics and professional conduct applicable to the members of the board and the vice-presidents of the Commission; and
- (6) approving the expertise and experience profiles to be used in appointing the independent members of the board and the president and chief executive officer.

21. The quorum at meetings of the board of directors is the majority of its members, including the chair.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

22. The members of the board of directors may waive notice of a meeting. Attendance at a meeting of the board constitutes a waiver of notice, unless the members are present to contest the legality of the meeting.

23. Written resolutions signed by all the members of the board of directors entitled to vote have the same value as if they had been adopted during a meeting of the board.

A copy of all such resolutions is kept with the minutes of the proceedings or other equivalent record.

24. If all agree, the members of the board of directors may take part in a meeting by means of equipment enabling all participants to communicate directly with one another.

25. The minutes of the meetings of the board of directors, approved by the board and certified by the chair or the vice-chair of the board, the president and chief executive officer, the secretary or any other person authorized by the Commission, are authentic. The same applies to documents and copies of documents emanating from the Commission or forming part of its records, if they are certified in the same manner.

26. The board of directors must establish the following committees:

- (1) an audit committee;
- (2) a governance and ethics committee; and
- (3) a human resources committee.

The committees must be chaired by independent members.

The board may establish any other committee to facilitate the smooth operation of the Commission or examine specific issues concerning its management.

27. The chair of the board of directors may take part in board committee meetings.

The president and chief executive officer of the Commission may not be a member of the audit committee, the governance and ethics committee or the human resources committee.

28. Each board committee must submit to the board of directors a summary of its proceedings. The summary must be included in the Commission's annual report.

29. The audit committee is composed of three independent members of the board of directors, one of whom must have accounting or financial expertise.

The functions of the committee include

- (1) approving the annual internal audit plan;
- (2) examining the financial statements of the Commission and of the pension plans with the Auditor General;

(3) presenting the financial statements of the pension plans to the pension committee concerned; and

(4) recommending the approval by the board of the financial statements of the Commission and of the pension plans.

30. The audit committee must notify the board of directors in writing on finding operations or management practices that are unsound or do not comply with the law, with the regulations or with the policies of the Commission.

31. The human resources committee is composed of three members of the board of directors.

The functions of the committee include

(1) seeing that human resources policies are put in place;

(2) establishing expertise and experience profiles to be used in appointing the president and chief executive officer of the Commission and the independent members of the board; and

(3) establishing criteria for evaluating the members of the board.

32. The governance and ethics committee is composed of three members of the board of directors.

The functions of the committee include

(1) establishing governance rules and rules of ethics for carrying on the Commission's business;

(2) establishing a code of ethics and professional conduct applicable to the members of the board and to the vice-presidents of the Commission; and

(3) developing structures and procedures to enable the board to act independently from the Commission's management.

33. The president and chief executive officer of the Commission is responsible for the direction and management of the Commission within the framework of its by-laws and policies and must see that the decisions of the pension committees are carried out.

The president and chief executive officer assumes any other responsibility assigned by the board of directors.

34. The president and chief executive officer must see that the board of directors has, on request, adequate human, material and financial resources to exercise its functions and for its committees to exercise their functions.

35. The president and chief executive officer is assisted by two vice-presidents appointed by the Government.

If the president and chief executive officer is absent or unable to act, the Government designates the vice-president who will exercise the functions of that office.

36. The vice-presidents are appointed for a term of up to five years.

On expiry of their term, the vice-presidents remain in office until replaced or reappointed.

37. The offices of president and chief executive officer and of vice-president are full-time positions.

38. The Government determines the remuneration, the benefits and the other conditions of employment of the president and chief executive officer and the vice-presidents of the Commission.

39. The secretary and other employees of the Commission are appointed under the Public Service Act (R.S.Q., chapter F-3.1.1).

40. No proceedings may be brought against the Commission, the members of the board of directors, the vice-presidents or the personnel members of the Commission by reason of an omission made or an act performed in good faith in the exercise of their functions.

41. A deed, document or writing is binding on and may be attributed to the Commission only if it is signed by the chair of the board of directors, the president and chief executive officer, a vice-president, the secretary or another personnel member of the Commission, but in the latter case, only to the extent determined by by-law of the Commission.

42. Subject to the conditions it sets, the Commission may allow the required signature to be affixed on certain documents by means of an automatic device. The Commission may allow a facsimile of a signature to be engraved, lithographed or printed on certain documents. A facsimile has the same force as the signature itself if the document is countersigned by a person referred to in section 25.

43. An intelligible transcription of a decision or other data stored by the Commission in a computer or in a computer-readable medium is a document of the Commission and is evidence of its contents if it is certified by a person referred to in section 25.

CHAPTER IV

SERVICE STATEMENT AND STRATEGIC PLAN

44. The Commission must publish a service statement setting out its objectives with regard to the level and quality of the services provided.

The statement must specify the time frame within which services are to be provided and provide clear information on their nature and accessibility.

45. The Commission must

- (1) remain receptive to the expectations of its clients;
- (2) simplify service delivery rules and procedures to the greatest extent possible; and
- (3) encourage the members of its personnel to provide quality services and to collaborate in achieving the results targeted.

46. The Commission must adopt a strategic plan covering a period of more than one year.

47. The strategic plan must include

- (1) the mission of the Commission;
- (2) the context in which the Commission acts and the main challenges it faces;
- (3) the strategic directions, objectives and lines of action selected;
- (4) the results targeted over the period covered by the plan; and
- (5) the performance indicators to be used in measuring results.

48. The Commission must transmit the strategic plan to the Minister, who tables it in the National Assembly.

CHAPTER V

FINANCIAL PROVISIONS

49. The Commission's annual budget must specify the amount attributable to

- (1) the administrative expenses related to the Government and Public Employees Retirement Plan;

(2) the administrative expenses related to the Pension Plan of Management Personnel;

(3) the administrative expenses related to the other pension plans;

(4) the expenses related to the actuarial valuations of the plans for the purposes of section 5; and

(5) the administrative expenses related to the insurance plans.

The administrative expenses related to the pension plans include those related to the pension committees and those related to any additional services requested by the pension committees and offered to employees and beneficiaries under the pension plans concerned. The administrative expenses related to the pension credits referred to in section 3.2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) are included in the administrative expenses related to the Pension Plan of Management Personnel.

[[50. The sums required to cover the administrative expenses related to the Government and Public Employees Retirement Plan are taken in equal proportions

(1) out of the employees' contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and

(2) out of the employers' contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and then in accordance with section 133 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

However, the sums required to cover the administrative expenses related to additional services offered to employees and beneficiaries under the plan are taken in the proportions determined by the pension committee in its request.

The sums taken out of the consolidated revenue fund are deemed to be contributions by the Government as employer with respect to that plan.]]

[[51. The sums required to cover the administrative expenses related to the Pension Plan of Management Personnel are taken in equal proportions

(1) out of the employees' contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and

(2) out of the employers' contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and then in accordance with section 182 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

However, the sums required to cover the administrative expenses related to additional services offered to employees and beneficiaries under the plan are taken in the proportions determined by the pension committee in its request.

Despite the first and second paragraphs, the sums required to cover the administrative expenses related to the special provisions applicable to the classes of employees designated under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel and to the provisions on supplemental benefits payable to certain classes of employees under section 208 of that Act are taken out of the consolidated revenue fund.

The sums taken out of the consolidated revenue fund are deemed to be contributions by the Government as employer with respect to that plan.]]

[[52. The sums required to cover the administrative expenses related to pension plans other than the Government and Public Employees Retirement Plan, the Pension Plan of Management Personnel, the Pension Plan of Elected Municipal Officers and the supplementary benefits plan for participants under that plan are taken out of the consolidated revenue fund.

The sums taken out of the consolidated revenue fund are deemed to be contributions by the Government as employer with respect to that plan.]]

[[53. The sums required to cover the expenses related to the actuarial valuations of the pension plans for the purposes of section 5 are taken out of the consolidated revenue fund.]]

54. The administrative expenses related to the Pension Plan of Elected Municipal Officers and the expenses of the supplementary benefits plan for participants under that pension plan are paid under sections 81 and 76.3 respectively of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

[[55. The sums required to cover the administrative expenses related to insurance plans are taken out of the consolidated revenue fund.]]

56. The Commission may not, without the Government's authorization,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits determined by the Government;

(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(4) dispose of shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the conditions determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

57. The Government may, on the conditions and in the manner it determines,

(1) secure the payment in capital and interest of any loan contracted by the Commission and any of its obligations; and

(2) authorize the Minister of Finance to advance to the Commission any amount considered necessary to meet its obligations or to carry out its mission.

The sums required for the purposes of this section are to be taken out of the consolidated revenue fund.

CHAPTER VI

ACCOUNTS AND REPORTS

58. The fiscal year of the Commission ends on 31 December each year.

59. Before 30 June each year, the Commission must report to the Minister on the results achieved with regard to the objectives set under its strategic plan. The report must contain the financial statements of the Commission and those of the pension plans it administers.

The report must also include or provide information on

(1) the mandates conferred on the Commission;

(2) the Commission's service statement;

(3) the programs placed under the administration of the Commission;

(4) personnel turnover;

(5) the summary of the board committee reports;

(6) a statement by the president and chief executive officer on the reliability of the report and the monitoring mechanisms;

(7) the rules of professional conduct applicable to the members of the board of directors and to the vice-presidents of the Commission; and

(8) the expertise and experience profiles of the members of the board and their attendance record at board and committee meetings.

60. The Minister must table the Commission’s report in the National Assembly within 30 days of its receipt or, if the National Assembly is not sitting, within 30 days of resumption.

61. The Commission must provide the Minister with any information the Minister requires.

The Commission must also provide the Minister of Finance, on request, with the data and information required to conduct the necessary analyses and follow-up concerning pension plan obligations and liabilities shown in the financial statements of the Government.

62. The books and accounts of the Commission are to be audited by the Auditor General every year and whenever ordered by the Government.

The Auditor General’s report must accompany the Commission’s annual report.

CHAPTER VII

AMENDING PROVISIONS

PUBLIC ADMINISTRATION ACT

63. Section 40 of the Public Administration Act (R.S.Q., chapter A-6.01) is amended

(1) by striking out “section 4.1,” in the first line of paragraph 1;

(2) by replacing “, 144 and 158.9, the second paragraph of section 173.1 and section” in the first and second lines of paragraph 2 by “and”.

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

64. Section 74 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by striking out the last sentence.

POLICE ACT

65. Section 67 of the Police Act (R.S.Q., chapter P-13.1) is amended

(1) by replacing “paid to the beneficiaries under” in the third line of the first paragraph by “required for the purposes of”;

(2) by striking out the second sentence of the first paragraph.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

66. Section 35.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing “Comité de retraite referred to in section 164” in the first line by “pension committee referred to in section 163”.

67. Section 41.8 of the Act is amended by replacing “Division I of Chapter II of Title III” in the second and third lines by “section 163”.

68. Section 56 of the Act is amended by striking out “except those required for its administration, which are paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the last three lines.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

69. Section 7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by replacing “, established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10),” in the sixth and seventh lines of the first paragraph by “established under section 1 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (*insert the year and chapter number of this Act*)”.

70. Section 134 of the Act is amended by striking out everything in the second paragraph that comes after “fund”.

71. Section 143.27 of the Act is amended by replacing “applies” in the second line by “or section 196.15 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) applies, as the case may be,”.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

72. The Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the heading of Chapter IX.1 by the following heading:

“PENSION COMMITTEE OF THE PENSION PLAN OF ELECTED
MUNICIPAL OFFICERS”.

73. Section 70.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**70.1.** The pension committee of the Pension Plan of Elected Municipal Officers is hereby established.”;

(2) by replacing “chairman” in the second paragraph by “president and chief executive officer”.

74. Section 70.2 of the Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) receiving the reports on the actuarial valuation of the plan;

“(2) receiving the draft financial statements of the plan for review and reporting on them to the Commission, and receiving the Auditor General’s report on the plan, for review;”.

75. Section 70.4 of the Act is amended

(1) by replacing “chairman” in the first line of the second paragraph by “president and chief executive officer”;

(2) by replacing “vice-chairman” in the second line of the second paragraph by “vice-president”.

76. Section 70.6 of the Act is replaced by the following section:

“**70.6.** The chief executive officer of the Commission chairs the committee. The chair may only cast a vote to break a tie.”

77. Section 70.10 of the Act is amended by replacing “vice-chairman, except where the vice-chairman replaces the chairman” by “vice-presidents, except where a vice-president replaces the president and chief executive officer”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

78. The heading of Chapter I of Title III of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is replaced by the following heading:

“PROVISIONS APPLICABLE TO CERTAIN RETIREMENT PLANS”.

79. Division I of Chapter I of Title III of the Act, comprising sections 136 to 145, is repealed.

80. The Act is amended by striking out “DIVISION II” and the heading of that division in Chapter I of Title III.

81. Section 158 of the Act is amended by inserting “on the recommendation of the pension committee and” after “may,” in the first line of the first paragraph.

82. Divisions II.1 and III of Chapter I of Title III of the Act, comprising sections 158.1 to 162, are repealed.

83. The heading of Chapter II of Title III of the Act is amended by replacing “COMMITTEES” by “COMMITTEE”.

84. Section 163 of the Act is replaced by the following section:

“**163.** The pension committee of the pension plans established 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) and the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is hereby established.”

85. The Act is amended by striking out “DIVISION I” and the heading of that division after section 163.

86. Section 164 of the Act is replaced by the following section:

“**164.** The committee is composed of the president and chief executive officer of the Commission and 18 other members appointed by the Government for a term of up to two years, as follows:

(1) 10 members from the labour sector, appointed after consultation with the union or association concerned, including

(a) two from the Confédération des syndicats nationaux;

(b) two from the Centrale des syndicats du Québec;

(c) one from the Fédération des travailleurs et travailleuses du Québec;

(d) one from the Syndicat de la fonction publique du Québec;

(e) one from the Fédération des infirmières et infirmiers du Québec;

(f) one from the Syndicat des professionnelles et professionnels du gouvernement du Québec;

(g) one from the Alliance du personnel professionnel et technique de la santé et des services sociaux; and

(h) one appointed from the lists provided by the groups of associations of employees to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) applies and by the associations certified under the Public Service Act (chapter F-3.1.1) if they are not concerned by subparagraphs *a* to *g*;

(2) two pensioners under any of the pension plans referred to in section 163, chosen after consultation with the retirement associations that are the most representative of those plans and are identified by the Government; and

(3) six members representing the Government, including at least two from the Secrétariat du Conseil du trésor.”

87. Section 165 of the Act is amended by replacing the first paragraph by the following paragraph:

“**165.** The committee is responsible for

(1) reexamining, on request, the decisions made by the Commission in respect of the employees and beneficiaries to whom the pension plans established 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) and the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) apply;

(2) determining the conditions of implementation of the agreements entered into by the parties negotiating the conditions of employment of the employees referred to in subparagraph 1 if the agreements fail to do so, to the extent that the costs of those conditions are consistent with the Commission’s budget;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of funds derived from contributions paid by employees to whom the Government and Public Employees Retirement Plan applies;

(4) receiving the draft financial statements of the plans identified in subparagraph 1 for review and reporting on them to the Commission, and receiving the Auditor General’s report on those plans, for review;

(5) receiving for examination the Commission’s plan of action for the Government and Public Employees Retirement Plan, and reporting on it to the Commission; and

(6) receiving for examination the actuarial valuation reports of the plans identified in subparagraph 1.”

88. The Act is amended by inserting the following sections after section 165:

“**165.1.** The committee may request that the Commission carry out studies on the administration of the plans identified in subparagraph 1 of the first paragraph of section 165.

The committee may also request that the Commission provide additional services to employees and beneficiaries under the Government and Public Employees Retirement Plan and determine the manner in which the resulting administrative expenses are to be shared by the employees and the Government, without more than one half of those expenses being borne by the Government.

“165.2. The committee may make recommendations on the administration of the plans referred to in subparagraph 1 of the first paragraph of section 165 to the Government, to the associations negotiating the conditions of employment of employees who are members of the plans referred to in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (*insert the year and chapter number of this Act*), to the Commission and to the Minister.”

89. Section 167 of the Act is amended

(1) by replacing “chairman” in the first line of the second paragraph by “president and chief executive officer”;

(2) by replacing “vice-chairmen” in the second line of the second paragraph by “vice-presidents”.

90. Section 168 of the Act is replaced by the following section:

“168. Thirteen members, including the chair, eight members representing employees and beneficiaries under the plan and four members representing the Government form a quorum at meetings of the committee.”

91. Section 169 of the Act is replaced by the following sections:

“169. The president and chief executive officer of the Commission is the chair of the committee.

“169.1. Each member of the committee is entitled to one vote except the members representing the Government, who have two votes each.

The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning additional services requested by the pension committee under the second paragraph of section 165.1 or a mandate to be given to a consultant hired to advise the committee, or on a resolution entailing an increase in the cost of the plan or a budget overrun for the Commission.”

92. Section 170 of the Act is amended by striking out the second sentence.

93. Section 173 of the Act is amended

(1) by replacing “and 2.1” in the second line of the first paragraph by “and 3”;

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

“The subcommittees are composed of two persons representing the Government and two persons representing the employees and beneficiaries.”;

(3) by replacing “Comité de retraite referred to in section 173.1” in the tenth and eleventh lines of the third paragraph by “pension committee referred to in section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1)”.

94. Section 173.0.1 of the Act is amended by replacing “vice-chairman, except one replacing the chairman,” by “vice-presidents, except one replacing the president and chief executive officer.”.

95. Section 173.0.2 of the Act is replaced by the following section:

“173.0.2. No proceedings may be brought against the pension committee, its subcommittees or their members by reason of an omission made or an act performed in good faith in the exercise of their functions.”

96. Division II of Chapter II of Title III of the Act, comprising sections 173.1 to 173.5, is repealed.

97. Section 174 of the Act is amended

(1) by replacing “the Comité de retraite referred to in section 164” in the first and second lines of the first paragraph by “the pension committee referred to in section 163”;

(2) by replacing “Comité de retraite” in the second and third paragraphs by “pension committee”.

98. Section 179 of the Act is amended

(1) by striking out “competent” in the first line of the first paragraph;

(2) by replacing “the Pension Plan of Management Personnel and the plans established under sections 9, 10 and 10.0.1 of this Act and” in the third and fourth lines of subparagraph 1 of the first paragraph by “a plan established under section 9, 10 or 10.0.1 of this Act or”.

99. Section 183 of the Act is amended

(1) by striking out “referred to in section 164” in the second and third lines of the first paragraph;

(2) by striking out the second paragraph.

100. The Act is amended by inserting the following section after the heading of Title V:

“215.19. The Commission administrative des régimes de retraite et d’assurances is responsible for the administration of the pension plans established under this Act.”

ACT RESPECTING THE TEACHERS PENSION PLAN

101. Section 66.7 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing “Comité de retraite referred to in section 164” in the first line by “pension committee referred to in section 163”.

102. Section 78 of the Act is amended by striking out everything in the second paragraph that comes after “fund”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

103. Section 114 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by striking out the last paragraph.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

104. Section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing the third and fourth sentences of the first paragraph by the following sentences: “Division I of Chapter XI.2 does not apply to an employee belonging to a designated class of employees, but the employee may, in the year following the date on which a decision of the Commission concerning the employee was sent, file an application for arbitration with the Commission. The arbitrator shall be one of the arbitrators appointed under section 196.22, and sections 196.23 to 196.26 shall apply.”

105. Section 54 of the Act is amended by replacing “in the first paragraph of section 137 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the fifth, sixth and seventh lines of the first paragraph by “in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (*insert the year and chapter number of this Act*)”.

106. Section 170 of the Act is amended by replacing “IV of Title III of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the first and second lines by “XI.2”.

107. Section 171 of the Act is amended

(1) by replacing “Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the first paragraph by “pension committee referred to in section 196.2”;

(2) by replacing “Comité de retraite” in the second and third paragraphs by “committee”.

108. Section 190 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The special-purpose fund is subject to paragraph 3 of section 196.5.”

109. Section 196 of the Act is amended

(1) by replacing “Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second, third and fourth lines of the first paragraph by “pension committee referred to in section 196.2”;

(2) by replacing “Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan” in the second, third and fourth lines of the last paragraph by “pension committee referred to in section 196.2”.

110. Section 196.1 of the Act is amended

(1) by replacing “section 173.1 of the said Act” in the fifth line by “section 196.2”;

(2) by striking out “of this Act” at the end.

111. The Act is amended by inserting the following chapters after section 196.1:

“CHAPTER XI.1

“PENSION COMMITTEE OF THE PENSION PLAN OF MANAGEMENT PERSONNEL

“196.2. The pension committee of the Pension Plan of Management Personnel is hereby established.

“196.3. The pension committee is composed of the president and chief executive officer of the Commission and 14 other members appointed by the Government for a term of up to two years, as follows:

(1) seven members representing the employees covered by the Pension Plan of Management Personnel, appointed after consultation with the associations concerned, including

(a) one person representing the employees of the public service sector, appointed after consultation with the associations representing those employees;

(b) two persons representing the employees of the education sector, appointed after consultation with the associations representing those employees; and

(c) four persons representing the employees of the health and social services sector, including one representing the directors general, one representing the senior management officers and two representing the middle management officers, appointed after consultation with the associations representing the group of employees concerned;

(2) a pensioner under the Pension Plan of Management Personnel, appointed after consultation with the retirement associations that are the most representative of this plan and are identified by the Government; and

(3) six members representing the Government, including at least two from the Secrétariat du Conseil du trésor.

“196.4. The employees of the Commission and the vice-presidents, except one replacing the president and chief executive officer, may not sit on the pension committee.

“196.5. The functions of the committee include

(1) reexamining, on request, the decisions made by the Commission in respect of employees and beneficiaries under the plan;

(2) determining the conditions of implementation of the amendments to the plan agreed on by the associations representing those employees and the Government if no such conditions have been determined, to the extent that the costs of those conditions are consistent with the Commission’s budget;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of funds derived from contributions paid by those employees;

(4) receiving the draft financial statements of the plan for review and reporting on them to the Commission, and receiving the Auditor General’s report on that plan, for review;

(5) receiving for examination the Commission’s annual action plan for the pension plan, and reporting on it to the Commission; and

(6) receiving for examination the actuarial evaluation reports for the plan.

In addition to the decisions mentioned in subparagraph 1 of the first paragraph, the committee also reexamines the decisions made by the

Commission in respect of an employee who is a member of the Government and Public Employees Retirement Plan if they relate to an application to redeem years or parts of a year of service filed by the employee while a member of this plan and if those years and parts of a year are subject to section 109.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“196.6. The committee may request that the Commission carry out studies on the administration of the Pension Plan of Management Personnel.

The committee may also request that the Commission provide additional services to employees and beneficiaries under the plan and determine the conditions according to which the resulting administrative expenses are to be shared by the employees and the Government, without more than one half of those expenses being borne by the Government.

“196.7. The committee may make recommendations on the application of the plan to the Government, to the associations representing the employees covered by the plan, to the Commission and to the Minister.

“196.8. At the expiry of their term, the members of the committee shall remain in office until they are replaced or reappointed.

A vacancy occurring during a term of office is filled in the manner prescribed for appointing the member to be replaced.

“196.9. The members of the committee are not remunerated.

However, the members of the committee, except the chair and, where applicable, the vice-presidents of the Commission, are entitled, according to the standards established by the Government, to an attendance allowance and to the reimbursement of justifiable expenses incurred in the exercise of their functions.

“196.10. At least nine members, including the chair, five members representing employees and beneficiaries covered by the plan, and members representing the Government having together at least five votes, form a quorum at meetings of the committee.

“196.11. The president and chief executive officer of the Commission is the chair of the committee.

“196.12. Each member of the committee is entitled to one vote except two members from the Secrétariat du Conseil du trésor, who have two votes each.

The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning additional services requested by the pension committee under the second paragraph of section 196.6 or a mandate

to be given to a consultant hired to advise the committee, or on a resolution entailing an increase in the cost of the plan or a budget overrun for the Commission.

“196.13. The secretary of the Commission is secretary of the committee by virtue of office.

“196.14. The committee may make by-laws. The by-laws only come into force after being approved by the Government.

“196.15. The minutes of the sittings of the committee, approved by it and certified by the chair, the secretary or any other person authorized to do so by the committee, are authentic.

Similarly, documents or copies emanating from the committee are authentic, if certified in the same manner.

“196.16. The committee may delegate all or part of its powers under subparagraphs 1 and 3 of the first paragraph of section 196.5 to subcommittees.

The subcommittees are composed of two persons representing the Government and two persons representing the employees and beneficiaries covered by the plan.

“196.17. No proceedings may be brought against the pension committee, its subcommittees or their members by reason of an omission made or an act performed in good faith in the exercise of their functions.

“CHAPTER XI.2

“REEXAMINATION OF THE DECISIONS OF THE COMMISSION

“DIVISION I

“REQUEST FOR REEXAMINATION

“196.18. Every employee or beneficiary under the plan may request the pension committee to reexamine a decision of the Commission concerning the employee’s or beneficiary’s

- (1) eligibility;
- (2) number of years of service and contributory periods;
- (3) pensionable salary and amount of contributions;
- (4) pension amount;
- (5) benefits, advantages or reimbursements under the plan.

The request must be made to the Commission within one year after the date the decision is sent.

However, if, within the time limit provided for in the second paragraph, a beneficiary has not requested the reexamination of the amount of the reduction of the beneficiary's pension applicable from the month following the beneficiary's sixty-fifth birthday, the beneficiary may do so within one year after the date on which the Commission mailed the confirmation of the application of that reduction.

“196.19. The pension committee shall deal with the request for reexamination without delay and notify the person making the request of its decision in writing.

The decision must give reasons.

However, if no decision is made because opinions are equally divided, the decision of the Commission is deemed to be maintained and the request for reexamination is referred to an arbitrator.

The pension committee shall notify the parties without delay, and the provisions applicable to an application for arbitration apply with the necessary modifications. The committee shall send the employee's or beneficiary's request for reexamination to the arbitrator within the time prescribed in such provisions.

“DIVISION II

“ARBITRATION

“196.20. An employee or a beneficiary may apply for arbitration within 90 days of the date the decision of the pension committee is sent.

“196.21. An employee or a beneficiary may be represented by his or her association.

“196.22. After consulting with the pension committee, the Government shall appoint two arbitrators and a substitute for a period not exceeding two years.

At the expiry of their term, the arbitrators and the substitute shall remain in office until they are replaced or reappointed.

“196.23. The arbitrator shall without delay hear the parties and render a decision in writing, with reasons, within 90 days of the hearing unless the time limit is extended by mutual agreement.

“196.24. The costs of arbitration are charged to the Commission, except the costs of witnesses and attorneys. The fees and costs of the arbitrator are charged to the Commission.

“196.25. No arbitrator may be prosecuted by reason of an official act performed in good faith in the exercise of the functions of office.

“196.26. The decision of the arbitrator is binding and without appeal.”

112. Section 203 of the Act is amended by inserting “on the recommendation of the pension committee and” after “may,” in the first line of the first paragraph.

113. Section 209 of the Act is amended by replacing the second paragraph by the following paragraph:

“Division I of Chapter XI.2 does not apply to an employee belonging to a class of employees designated under section 23, but the employee may, in the year following the date on which a decision of the Commission concerning the employee was sent, file an application for arbitration with the Commission. The arbitrator shall be one of the arbitrators appointed under section 196.22, and sections 196.23 to 196.26 shall apply.”

COURTS OF JUSTICE ACT

114. Section 246.28 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out everything in the second sentence that comes after “fund”.

OTHER AMENDING PROVISIONS

115. In the following provisions, “comité de retraite” is replaced wherever it appears by “pension committee”:

(1) sections 52, 59.1.1 and 113 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

(2) sections 85.17, 85.33, 134, 173.0.1, 180, 181, 215.11.9, 216.1.1 and 230 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(3) sections 8, 10.1.1 and 73 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(4) sections 99.28, 109 and 111.0.1.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(5) sections 200 and 418 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

116. In the following provisions, “chairman”, “vice-chairman” and “vice-chairmen” are replaced wherever they appear by “chair”, “vice-chair” or “vice-chairs”:

(1) sections 70.5 and 70.9 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(2) section 172 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and paragraphs 4, 5 and 9 of Schedule I to that Act;

(3) paragraphs 3, 4 and 14 of Schedule I, paragraph 3 of Schedule II and paragraphs 2, 3 and 10 of Schedule III to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(4) paragraphs 5, 6 and 10 of Schedule I to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

117. The Commission administrative des régimes de retraite et d’assurances established under this Act is substituted for 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 (R.S.Q., chapter R-10). It acquires the rights and assumes the powers and obligations of that Commission. In addition, the policies on the security and management of information resources applicable to the Commission continue to apply until the Commission adopts new ones under section 7 of this Act.

The chairman and vice-chairmen of the Commission administrative des régimes de retraite et d’assurances in office on 31 December 2006 become, on the same conditions and for the remainder of their term, president and chief executive officer and vice-presidents, respectively, of the Commission administrative des régimes de retraite et d’assurances established under this Act.

118. The members of the pension committees and sub-committees established within the Commission administrative des régimes de retraite et d’assurances, who are in office on 31 December 2006, remain in office until replaced or reappointed under this Act.

119. The employees of the Commission administrative des régimes de retraite et d’assurances in office on 31 December 2006 become, without further formality, the employees of the Commission administrative des régimes de retraite et d’assurances established under this Act.

120. The Commission administrative des régimes de retraite et d'assurances, established under this Act, becomes, without continuance of suit, a party to all proceedings to 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 was a party.

121. A request respecting a decision of the Commission administrative des régimes de retraite et d'assurances or a pension committee that was made under Chapter IV of Title III of the Act respecting the Government and Public Employees Retirement Plan, that is pending on 31 December 2006, and that concerns an employee or a beneficiary of the Pension Plan of Management Personnel is continued under the provisions of Chapter XI.2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), enacted under section 111 of this Act.

122. The following regulations are deemed to have been made under this Act:

— Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances, made by Order in Council 981-96 (1996, G.O. 2, 3899);

— Règlement sur l'exercice des pouvoirs et la régie interne du Comité de retraite du régime de retraite des employés du gouvernement et des organismes publics, du régime de retraite des enseignants, du régime de retraite des fonctionnaires, des régimes établis en vertu des articles 9, 10 et 10.0.1 de la Loi sur le régime de retraite des employés du gouvernement et des organismes publics et du régime de retraite de certains enseignants, made by Order in Council 38-99 (1999, G.O. 2, 243);

— Règlement sur l'exercice des pouvoirs et la régie interne du Comité de retraite du régime de retraite du personnel d'encadrement, made by Order in Council 38-99 (1999, G.O. 2, 243).

These regulations apply with the necessary modifications.

123. In order to satisfy the requirements of section 14 of this Act, the first chair of the board of directors of the Commission administrative des régimes de retraite et d'assurances is appointed by the Government, after consultation with the associations referred to in section 6 of this Act, on the basis of the expertise and experience profile the Government determines.

For the appointment of the remaining first independent members of the board, the expertise and experience profile the board must establish under section 14 is established by a committee made up of the chair of the board of directors of the Commission, the president and chief executive officer of the Commission and the members referred to in subparagraphs 1 to 3 of the first paragraph of section 10. In the case of a tie vote during this process, the chair of the board has a casting vote.

124. The amount of the first budget of the Commission administrative des régimes de retraite et d'assurances is the same as the 2006 budget until such time as the board of directors determines the amount of the 2007 budget. The sums required for its administration are obtained in accordance with the conditions set out in Chapter V of this Act.

125. In any other Act and in any regulation, order or other document, a reference to 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 becomes a reference to the Commission administrative des régimes de retraite et d'assurances established under this Act, unless the context indicates otherwise.

126. Not later than (*insert the date occurring 10 years after the date of assent to this Act*), and subsequently every 10 years, the Minister must report to the Government on the application of this Act as concerns the mission entrusted to the Commission, and on the advisability of amending the Act.

The report must be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

127. The Government designates the minister responsible for the administration of this Act.

128. This Act comes into force on 1 January 2007.