



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 20

**An Act to implement certain
recommendations of the
20 August 2018 report of the
committee on the remuneration
of judges and justices of the peace
for 2016–2019**

Introduction

**Introduced by
Madame Sonia LeBel
Minister of Justice**

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EXPLANATORY NOTES

The purpose of this bill is to implement, with regard to the pension plan applicable to presiding justices of the peace, the National Assembly resolution of 6 February 2019 concerning certain recommendations of the 20 August 2018 report of the committee on the remuneration of judges and justices of the peace for 2016–2019.

The bill provides for a new time limit so that persons who held office as presiding justices of the peace at 31 December 2016 may apply for years and parts of a year of service credited under the Pension Plan of Management Personnel while they held office as presiding justices of the peace to be transferred to the pension plan of judges of the Court of Québec, judges of certain municipal courts and presiding justices of the peace.

The bill also allows them, as well as persons who were appointed as presiding justices of the peace after 31 December 2016 and before 7 December 2017, to be entitled to a deferred life annuity payable at 65 years of age under the pension plan of judges of the Court of Québec, judges of certain municipal courts and presiding justices of the peace, following the transfer of the value of the benefits accrued to them under the Pension Plan of Management Personnel when they did not hold office as presiding justices of the peace or under other pension plans.

Lastly, the bill contains consequential amendments and includes miscellaneous and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Courts of Justice Act (chapter T-16);
- Act to implement certain recommendations of the report of the committee on the remuneration of judges for 2016–2019 (2017, chapter 30).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the partition and assignment of benefits accrued under the pension plans of judges of the Court of Québec, judges of certain municipal courts and presiding justices of the peace (chapter T-16, r. 4).

Bill 20

AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE 20 AUGUST 2018 REPORT OF THE COMMITTEE ON THE REMUNERATION OF JUDGES AND JUSTICES OF THE PEACE FOR 2016–2019

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

COURTS OF JUSTICE ACT

1. Section 224.30 of the Courts of Justice Act (chapter T-16) is amended by replacing “1 September 2018” in the first paragraph by “*(insert the date that is 180 days after the date of assent to this Act)*”.

2. The Act is amended by inserting the following section after section 224.30:

“224.30.1. A person whose years and parts of a year of service are credited under the pension plan provided for in this Part and under section 224.30 may have an amount corresponding to the value of the benefits accrued to the person under the Pension Plan of Management Personnel transferred to that pension plan, except for the benefits accrued in connection with the person’s holding office as a presiding justice of the peace after 29 June 2004. The value is established at 31 December 2016 under the third paragraph of section 224.30. The transfer gives entitlement to a deferred life annuity payable at 65 years of age, which shall be added to the pension accrued under the pension plan provided for in this Part.

The transfer application shall be made by *(insert the date that is 180 days after the date of assent to this Act)*.

Retraite Québec shall determine the amount of the deferred pension at 31 December 2016 on the basis of the value established in the first paragraph and according to the actuarial assumptions and methods used in the actuarial valuation prepared in accordance with section 246.26 and on the basis of the data as at 31 December 2013.

The deferred pension is indexed annually in accordance with the first paragraph of section 224.23, beginning on 1 January following the date on which it becomes payable.

Section 246.23.3 applies, with the necessary modifications, to the deferred pension.”

3. Section 224.31 of the Act is amended by replacing “2 September 2018” by “(*insert the date that is 181 days after the date of assent to this Act*)”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

4. Section 211.2.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by inserting “, except if an amount is transferred under section 224.30.1 of that Act” after “selected” in the first paragraph;

(2) by replacing “under this plan” in the second paragraph by “with regard to the benefits accrued under this plan for a period prior to holding office as a presiding justice of the peace, except if an amount is transferred under section 224.30.1 of that Act”.

ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE REPORT OF THE COMMITTEE ON THE REMUNERATION OF JUDGES FOR 2016–2019

5. Section 32 of the Act to implement certain recommendations of the report of the committee on the remuneration of judges for 2016–2019 (2017, chapter 30) is amended, in the second paragraph,

(1) by replacing “1 September 2018” by “(*insert the date that is 180 days after the date of assent to this Act*)”;

(2) by replacing “and the second paragraph of section 147 of the Act respecting the Government and Public Employees Retirement Plan do not apply to amounts owing to Retraite Québec” by “, the second paragraph of section 147 and section 147.0.1 of the Act respecting Government and Public Employees Retirement Plan do not apply”.

6. Section 33 of the Act is amended by replacing “and the second paragraph of section 147 of the Act respecting the Government and Public Employees Retirement Plan do not apply to amounts owing to Retraite Québec” in the second paragraph by “, the second paragraph of section 147 and section 147.0.1 of the Government and Public Employees Retirement Plan do not apply”.

REGULATION RESPECTING THE PARTITION AND ASSIGNMENT OF BENEFITS ACCRUED UNDER THE PENSION PLANS OF JUDGES OF THE COURT OF QUÉBEC, JUDGES OF CERTAIN MUNICIPAL COURTS AND PRESIDING JUSTICES OF THE PEACE

7. Section 9 of the Regulation respecting the partition and assignment of benefits accrued under the pension plans of judges of the Court of Québec, judges of certain municipal courts and presiding justices of the peace (chapter T-16, r. 4) is amended by inserting “section 224.30.1 or” after “transferred under” in the second paragraph.

8. Section 20 of the Regulation is amended by inserting “section 224.30.1 or” after “transferred under”.

MISCELLANEOUS AND FINAL PROVISIONS

9. Retraite Québec transfers, from the funds of the Pension Plan of Management Personnel to the Consolidated Revenue Fund, the amount established under section 224.30.1 of the Courts of Justice Act (chapter T-16). From 31 December 2016 until the date of the transfer, the amount bears interest, compounded annually, at the nominal rates of the actuarial economic assumptions of the actuarial valuation prepared in accordance with section 246.26 of that Act and on the basis of the data as at 31 December 2013. Those sums are taken out according to the terms set out in Division II of Chapter X of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) for the payment of benefits.

10. Despite the third paragraph of section 246.23.1 of the Courts of Justice Act, a person whose years and parts of a year of service are credited under section 224.30 of that Act may file a transfer application under section 246.23.1 of that Act not later than (*insert the date that is 180 days after the date of assent to this Act*).

However, such an application may not be filed with regard to benefits accrued under the Pension Plan of Management Personnel.

11. Despite the third paragraph of section 246.23.1 of the Courts of Justice Act, a person who was appointed as a presiding justice of the peace after 31 December 2016 and before 7 December 2017 may file a transfer application under that section not later than (*insert the date that is 180 days after the date of assent to this Act*).

12. To take into account the years and parts of a year of service credited under section 224.30 of the Courts of Justice Act, Retraite Québec reviews or cancels the pension received under the Pension Plan of Management Personnel by a person whose application referred to in the first paragraph of that section is received before 2 September 2018 and whose date of retirement under the pension plan provided for in Part V.1 of the Courts of Justice Act is after that date of receipt but before (*insert the date that is 181 days after the date of assent to this Act*). Retraite Québec also reviews the pension amount received by that person under the pension plan provided for in that Part of the Courts of Justice Act.

The review or cancellation referred to in the first paragraph is carried out not later than (*insert the date that is 12 months after the date of assent to this Act*). Section 146.1, the second paragraph of section 147 and section 147.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) do not apply following such a review or cancellation.

13. To take into account a transfer made under section 224.30.1 or section 246.23.1 of the Courts of Justice Act, Retraite Québec reviews or cancels the pension received under a pension plan referred to in section 4 of the Act respecting Retraite Québec (chapter R-26.3) by a person who was appointed as a presiding justice of the peace before 7 December 2017 and whose date of retirement under the pension plan provided for in Part V.1 of the Courts of Justice Act is prior to the date of receipt of the transfer application concerned. Retraite Québec also reviews the pension amount received by that person under the pension plan provided for in that Part of the Courts of Justice Act.

The review or cancellation referred to in the first paragraph is carried out within six months following the date of receipt of the transfer application concerned. Section 146.1, the second paragraph of section 147 and section 147.0.1 of the Act respecting the Government and Public Employees Retirement Plan do not apply following such a review or cancellation.

14. This Act comes into force on (*insert the date of assent to this Act*).