



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 390

An Act respecting the review of the financial benefits granted to the Members of the National Assembly

Introduction

Introduced by
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Member for Chauveau

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EXPLANATORY NOTES

This bill establishes a committee on the remuneration of the Members of the National Assembly. The committee's mandate is to independently assess whether the Members' conditions of employment, salary, pension plan, supplementary benefits plan and other employee benefits are adequate.

The committee must also determine whether changes should be made to the contributions paid by Members under their pension plan and supplementary benefits plan.

The committee must report to the National Assembly within one year after its appointment.

A resigning Member's right to a transition allowance under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly is withdrawn, unless the resignation is attributable to health reasons.

Lastly, the years of a resigning Member's non-completed term of office are not to be taken into account when calculating pension credits under the Member's pension plan and supplementary benefits plan.

LEGISLATION AMENDED BY THIS BILL:

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

Bill 390

AN ACT RESPECTING THE REVIEW OF THE FINANCIAL BENEFITS GRANTED TO THE MEMBERS OF THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

- 1.** The purpose of this Act is to establish a committee on the remuneration of the Members of the National Assembly.

The committee's function is to assess whether the Members' conditions of employment, salary, pension plan, supplementary benefits plan and other employee benefits are adequate.

A further function of the committee is to determine whether changes should be made to the contributions paid by the Members under their pension plan and supplementary benefits plan.

CHAPTER II

APPOINTMENT

- 2.** On the joint motion of the Premier and the Leader of the Official Opposition, after consulting with the leaders of the other authorized parties represented in the National Assembly and with the approval of two thirds of the Members, the National Assembly appoints three independent persons to the committee for a term of one year, including one person to act as chair.

Members of the National Assembly, public servants within the meaning of the Public Service Act (chapter F-3.1.1), and persons related by blood, or connected by marriage or civil union, to a Member of the National Assembly, a Cabinet minister or the Premier's chief of staff up to the third degree inclusively may not sit on the committee.

- 3.** The National Assembly appoints the members of the committee on or before 1 April 2013. The committee begins to exercise the functions conferred on it by this chapter without delay.

4. When a committee member dies, resigns or is otherwise unable to act, the National Assembly appoints a substitute member in the manner set out in section 2. The term of the substitute member corresponds to the unexpired portion of the term of the original member.

5. The National Assembly determines the committee members' remuneration, social benefits and other employment conditions.

6. Before entering into office, every committee member must take the oath set out in Schedule I before the President of the National Assembly.

CHAPTER III

FINANCIAL AND ADMINISTRATIVE PROVISIONS

7. The chair of the committee manages the financial resources of the committee within the scope of the applicable legislation, regulations and rules.

Within that scope, the chair may call on the support services and professional services considered necessary by the chair to ensure the successful discharge of the committee's functions. To that end, the chair may, among other things, enter into an agreement concerning the temporary assignment of members of the public service to the committee.

Subject to the first paragraph, the committee may, on its own initiative, give experts the mandate to examine any matter it submits to them.

8. As soon as the chair is appointed, he or she prepares the committee's budget estimates and submits them before 1 June 2013 to the Office of the National Assembly, which approves them with or without modification.

At the chair's request, the Office of the National Assembly may determine the human, physical, financial and information management resource services to be provided at no charge to the committee by the National Assembly.

9. If, during a fiscal year, the chair foresees that the budget estimates approved by the Office of the National Assembly will be exceeded, the chair prepares supplementary budget estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

10. The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the committee.

However, the Office of the National Assembly may, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

11. The fiscal year of the committee ends on 31 March 2014.

CHAPTER IV

FUNCTIONS, RESPONSIBILITIES AND REPORTS

12. Within the scope of its functions and when it considers it appropriate, the committee may invite any person or body to present observations.

If it considers it appropriate, the committee may decide to receive such observations at a public meeting.

13. In assessing the financial benefits granted to the Members, the committee considers the following factors:

- (1) the particularities of the office of Member;
- (2) the duties and responsibilities inherent in the office of Member;
- (3) the need to offer Members adequate remuneration;
- (4) the need to attract outstanding candidates for the office of Member;
- (5) the cost of living index;
- (6) the economic situation prevailing in Québec and the general state of the Québec economy;
- (7) trends in real per capita income in Québec;
- (8) the state of public finances;
- (9) the level and prevailing trend of the remuneration received by the Members concerned, as compared to that of other persons receiving remuneration out of public funds;
- (10) the remuneration paid to Members of other legislative assemblies in Canada;
- (11) the duty of transparency incumbent on any public office; and
- (12) any other factor considered relevant by the committee.

14. On or before 31 March 2014, the committee submits a report to the National Assembly containing the recommendations it considers appropriate.

The committee must, at the same time, submit a report on its activities, together with its financial statements for the fiscal year of its term, to the President of the National Assembly.

The President of the National Assembly tables the reports in the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

15. The National Assembly may approve, amend or reject some or all of the committee's recommendations, by way of a resolution stating the reasons on which it is based. The National Assembly promptly takes the necessary steps to be able to implement the resolution as of the beginning of the legislature that follows the resolution.

If the National Assembly fails to adopt a resolution on or before the 30th sitting day after the committee's report is tabled, it promptly takes the necessary steps to be able to implement the recommendations as of the beginning of the legislature that follows the expiry of that period.

CHAPTER V

AMENDING AND FINAL PROVISIONS

16. 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 amended

- (1) by striking out “resigns as a Member of the Assembly,”;
- (2) by adding the following paragraphs at the end:

“A Member who resigns as a Member of the Assembly is entitled to receive a transition allowance if the resignation is attributable to health reasons which affect the Member, a family member within the meaning of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1) or a relative in the first degree and which impede the Member’s capacity to hold office.

The resignation must be submitted to the President or the Secretary General of the Assembly together with a sealed medical certificate.”

17. Section 25 of the Act is amended

- (1) by inserting “contributions within a completed term of office” in the first paragraph after “he paid”;
- (2) by inserting the following paragraph after the first paragraph:

“A pension credit is computed on the basis of the contributions paid by a Member who does not complete his term of office provided the resignation is attributable to health reasons which affect the Member, a family member within the meaning of the Code of ethics and conduct of the Members of the National

Assembly (chapter C-23.1) or a relative in the first degree and which impede the Member's capacity to hold office."

18. Sections 16 and 17 have effect from the 41st Legislature.

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

SCHEDULE I
(section 6)

OATH

I, *(name)*, declare under oath that I will fulfil my duties as member of the committee on the remuneration of the Members of the National Assembly with independence, objectivity, impartiality, rigour and honesty.

I further declare under oath that I will not reveal or disclose, unless duly authorized, any information that come to my knowledge in or in connection with the exercise of my duties.