

Chapter 11

AN ACT TO AMEND THE SUPPLEMENTARY RETIRING ALLOWANCES ACT

(Assented to June 6, 2003)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. The *Supplementary Retiring Allowances Act* is amended by this Act.

**2. (1) Section 1 is amended by striking out "or 11" and substituting
", 11 or 16.1" in the definition of "annual allowance".**

(2) Section 1 is further amended by adding the following definitions in alphabetical order:

"fixed term allowance" means an allowance payable over a fixed term pursuant to section 16.1; (*allocation à terme fixe*)

"Speaker" means the Speaker of the Legislative Assembly; (*président*)

3. Subsection 6(2) is amended by striking out "Subject to subsection 11(4)" and substituting "Subject to subsections 11(4) and 16.1(1)".

4. Subsection 9(2) is amended by striking out "section 16" and substituting "sections 7 and 16".

5. Subsection 14(1) is amended by striking out "sections 12 and 13" and substituting "sections 12, 13 and 16.1".

6. The following is added after section 16:

Election to receive allowance for a fixed term

16.1. (1) A member who ceases to be a member may elect to receive a monthly allowance to be paid out over a fixed term of 5, 10 or 15 years in lieu of any annual allowances to which the member may be entitled under sections 9 and 10.

Commencement

(2) Notwithstanding section 16, payment of a fixed term allowance according to an election by a member or former member under subsection (1) may

- (a) commence immediately; or
- (b) be deferred to commence on the first day of any month prior to December 31 of the year in which the member or former member attains the age of 69 years.

Notice

(3) A member or former member who elects to defer payment of a fixed term allowance under paragraph 16.1(2)(b) must give three months' notice of his or her intention to have payment commence.

Where election not made

(4) If a member or former member who has made an election to receive a fixed term allowance under subsection (1) fails to give notice under subsection (3) of his or her intention to have payments commence before December 31 of the year in which he or she attains the age of 69 years, he or she is deemed to have elected to receive any allowances payable to him or her under sections 9 and 10 according to the terms of those sections.

Payment to beneficiary

(5) If a member or former member who has made an election under subsection (1) dies before the fixed term allowance has been paid out in full, the surviving spouse of the member or former member may choose whether to receive the remainder of the fixed term allowance to which the member or former member was entitled

- (a) in the form of monthly payments spread over the remainder of the fixed term elected by the member and apportioned as follows:
 - (i) in the event that there are no surviving children, 100% to the surviving spouse,
 - (ii) in the event that there are surviving children, 66 2/3 % to the surviving spouse and the balance divided equally between the surviving children;
- (b) subject to subsection (6), in the form of monthly payments with 66 2/3% of the actuarial present value of the remainder of the fixed term allowance paid to the surviving spouse for the spouse's lifetime and 33 1/3 % of the actuarial present value divided equally between the surviving children and paid in accordance with subsection 11(4); or
- (c) subject to subsection (6), in the form of monthly payments payable over a new fixed term of 5, 10 or 15 years with 66 2/3% of the actuarial present value of the remainder of the fixed term allowance paid to the surviving spouse and 33 1/3 % of the actuarial present value divided equally between the surviving children.

Exception

(6) In the event that a monthly payment to any surviving spouse or child under subsection (5) would be less than an amount prescribed, the actuarial present value of the remainder of the fixed term allowance for that person will be paid to that person in the form of a lump sum payment.

Where no surviving spouse

(7) Subject to subsection (8), if a member or former member who has made an election under subsection (1) dies before the fixed term allowance has been paid out in

full leaving children but no surviving spouse, the actuarial present value of the remainder of the fixed term allowance will be divided equally between the surviving children and paid in accordance with subsection 11(4).

Avoidance of minimal payments

(8) In the event that any monthly payment to a surviving child under subsection (7) would be less than an amount prescribed, the actuarial present value of the remaining fixed term allowance for that person will be paid to that person in the form of a lump sum payment.

Value to be equivalent

(9) Notwithstanding section 16, the total amount of a fixed term allowance shall be determined to be actuarially equivalent to the annual allowances payable under sections 9 and 10.

7. Section 17 is amended by striking out "allowance" wherever it appears and substituting "allowance or fixed term allowance".

8. Section 18 is amended by the addition of the following:

Application to fixed term allowance payable on death

(4.1) In respect of a fixed term allowance payable under subsection 16.1(1), subsection (1) applies to the basic allowance of the member or former member under sections 9 and 10.

9. The following is added after Section 20:

Tabling of elections

20.1. The Speaker shall, as soon as possible after the end of the fiscal year, lay before the Legislative Assembly copies of the elections filed by members under sections 7 and 16.1.

10. Section 21 is amended:

- (a) **in paragraph (c) by striking out "under subsection 12(2) and section 13" and substituting "under subsection 12(2), section 13 and subsection 16.1(5)";**
- (b) **in paragraph (f) by striking out "subsection 16(1)" and substituting "subsections 16(1) and 16.1(1)";**
- (c) **by striking out the period at the end of paragraph (k) and substituting a semi-colon; and**
- (d) **by adding the following:**
 - (l) respecting the giving and revocation of notices under section 16.1;
 - (m) establishing the amount of the minimum monthly allowance payable to a surviving spouse or child under subsection 16.1(6) or 16.1(8).

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