

## Chapter 6

### AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY RETIRING ALLOWANCES ACT AND THE SUPPLEMENTARY RETIRING ALLOWANCES ACT

(Assented to March 11, 2025)

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

#### PART 1

1. **This Part amends the *Legislative Assembly Retiring Allowances Act*.**
2. **Section 7 is repealed and replaced by**

Refund of contributions

7. (1) A person must receive a refund of all contributions made, with interest at the rate fixed by the Management and Services Board, if that person, on ceasing to be a member, is not a qualifying member as defined in subsection 11(1).

Refund of contributions – earnings

(2) A person must receive a refund of all contributions made with respect to earnings, with interest at the rate fixed by the Management and Service Board, if that person, on ceasing to be a member, is not a qualifying member as defined in subsection 12(1).

Return of refund

(3) Subject to subsection 8(4) of the *Supplementary Retiring Allowances Act*, a person who has received a refund under this section and who is subsequently re-elected to the Legislative Assembly may return to the Fund the amount of the refund with interest fixed by the Management and Services Board, and if a person has done so, the years in respect of which the refund was made must be included in calculating their years of service.

3. **Subsection 10(1) is repealed and subsection 10(2) is renumbered as section 10.**
4. **Subsection 11(1) is repealed and replaced by**

Definition of "qualifying member"

11. (1) In this section, "qualifying member" means a member who
  - (a) ceases to be a member and who
    - (i) upon ceasing to be a member has given at least four years of service, or
    - (ii) was elected to the Legislative Assembly at a general election and, upon ceasing to be a member, has continued as a member of the Legislative Assembly until it is dissolved; or
  - (b) attains the age of 71 years while they are a member.

**5. (1) Subsection 12(1) is amended by repealing the definition of "qualifying member" and adding the following definition in alphabetical order:**

"qualifying member" means a member who

- (a) at the time the member ceases to be a member,
  - (i) is eligible for an allowance under section 11, and
  - (ii) has at least one year of service, whether continuous or discontinuous, in a required capacity or a combination of required capacities; or
- (b) at the time the member attains the age of 71 years ,
  - (i) is still a member, and
  - (ii) has served in a required capacity.

**6. Section 17.1 is amended as follows:**

Lump sum payable in respect of a member without dependants

17.1. ~~Where~~ If a member or a former member who is in receipt of an allowance dies and there is no person to whom an allowance may be paid in respect of that former member, a lump sum equal to the actuarial present value of the allowance that would have been paid to the former member for the period commencing on the day of the former member's death and ending on the day before the tenth anniversary of the day that payment of the allowance to the former member commenced shall be paid to the beneficiary designated by the former member.

**7. The following is added after subsection 19.1(4):**

Application

(5) Subsections (2) to (4) do not apply when a former member is elected again to the Legislative Assembly on or after December 1 in the year in which the member attains the age of 71 years.

**8. Subsection 20(1) is repealed and replaced by:**

Transfer to retirement savings plan

20. (1) Subject to subsections (1.01) and (1.02), within six months after ceasing to be a member an individual may elect, in accordance with subsection (1.1) and the regulations, to transfer all or a portion of the aggregate value of the allowances payable under this Act, calculated as at the time the member so elects and in accordance with the regulations,

- (a) if the member has not attained the age of 55 years, to a registered retirement savings plan; or
- (b) if the member has attained the age of 55 years, to a registered retirement savings plan of the prescribed kind.

Member reaching age 71

(1.01) Subject to subsection (1.02), an individual who is a member on or after June 1 of the year in which they attain the age of 71 years may make an election under paragraph (1)(b) at any time between June 1 and November 30 of that year, even if they are still a member.

Age 71 – deadline

(1.02) An election under subsection (1) or (1.01) must be made no later than last day of November that is not a holiday in the year that the individual attains the age of 71 years.

## PART 2

**9. This Part amends the *Supplementary Retiring Allowances Act*.**

**10. Subsection 6(1) is repealed and subsection 6(2) is renumbered as section 6.**

**11. The following is added after subsection 7(3):**

No election

(4) For greater certainty, no allowance is payable under this Act to a person who has not made an election under this section.

**12. The following is added after subsection 8(3):**

Reduced refund

(3.1) When a refund under subsection (3) is made, the refund is reduced by the total amount of the allowances, if any, that the person entitled to the refund has received under this Act.

**13. Subsection 9(1) is repealed and replaced by**

Definition of "qualifying member"

9. (1) In this section, "qualifying member" means a member who
- (a) ceases to be a member and who
    - (i) upon ceasing to be a member has given at least four years of service, or
    - (ii) was elected to the Legislative Assembly at a general election and, upon ceasing to be a member, has continued as a member of the Legislative Assembly until it is dissolved; or
  - (b) attains the age of 71 years while they are a member.

**14. Subsection 10(1) is amended by repealing the definition of "qualifying member" and adding the following definition in alphabetical order:**

"qualifying member" means a member who

- (a) at the time the member ceases to be a member,
  - (i) is eligible for an allowance under section 9, and
  - (ii) has at least one year of service, whether continuous or discontinuous, in a required capacity or a combination of required capacities; or

- (b) at the time the member attains the age of 71 years,
  - (i) is still a member, and
  - (ii) has served in a required capacity.

**15. Section 13 is amended as follows:**

Payment to beneficiary

13. ~~Where~~ If a member or a former member who is in receipt of an allowance dies and there is no person to whom an allowance may be paid in respect of that former member, a lump sum equal to the actuarial present value of the allowance that would have been paid to the former member for the period commencing on the day of the former member's death and ending on the day before the tenth anniversary of the day that payment of the allowance to the former member commenced shall be paid to the beneficiary designated by the former member.

**16. The following is added after subsection 17(4):**

Application

(5) Subsections (2) to (4) do not apply when a former member is elected again to the Legislative Assembly on or after December 1 in the year in which the member attains the age of 71 years.