

**LEGISLATIVE ASSEMBLY RETIRING ALLOWANCES ACT**

R-007-2005

Registered with the Registrar of Regulations

2005-05-12

**LEGISLATIVE ASSEMBLY RETIRING ALLOWANCES REGULATIONS, amendment**

The Speaker, on the recommendation of the Management and Services Board, under section 22 of the *Legislative Assembly Retiring Allowances Act* and every enabling power, makes the annexed amendment to the *Legislative Assembly Retiring Allowances Regulations*, R.R.N.W.T. 1990, c.L-9, as duplicated for Nunavut by section 29 of the *Nunavut Act*.

**1. The *Legislative Assembly Retiring Allowances Regulations*, R.R.N.W.T. 1990, c.L-9, as duplicated for Nunavut by section 29 of the *Nunavut Act*, are amended by these regulations.**

**2. The French version of section 2 is repealed and the following is substituted:**

2. (1) La fréquentation à plein temps d'une école ou d'une université signifie la fréquentation à plein temps d'une école, d'un collège, d'une université ou d'une autre institution d'enseignement qui fournit une formation ou un enseignement de nature éducative, professionnelle ou technique, et un enfant est réputé fréquenter ou avoir fréquenté à plein temps une école ou une université sans interruption appréciable :

- a) pendant son absence en raison d'un congé scolaire :
  - (i) lorsque immédiatement après ce congé l'enfant reprend la fréquentation à plein temps d'une école ou d'une université l'année scolaire suivante,
  - (ii) lorsque l'administrateur estime que l'enfant ne satisfait pas aux critères du sous-alinéa (i) du fait d'une maladie ou pour une autre cause que l'administrateur estime raisonnable, et que l'enfant commence ou reprend sa fréquentation à plein temps d'une école ou d'une université à tout moment durant l'année scolaire qui suit immédiatement le congé scolaire,
  - (iii) lorsque l'administrateur estime que l'enfant ne peut satisfaire aux critères du sous-alinéa (i) ou (ii), et qu'il commence ou reprend sa fréquentation à plein temps l'année scolaire suivant celle mentionnée au sous-alinéa (i);
- b) pendant une absence qui survient au cours d'une année scolaire du fait d'une maladie ou pour une autre cause que l'administrateur estime raisonnable lorsque, immédiatement après cette absence, l'enfant commence ou reprend sa fréquentation à plein temps d'une école ou d'une université durant cette même année scolaire ou, si l'administrateur estime que l'enfant en est incapable, lorsqu'il commence ou reprend sa fréquentation à plein temps l'année scolaire suivante.

(2) Lorsqu'un enfant s'absente du fait d'une maladie après avoir commencé son année scolaire et que l'administrateur détermine, d'après une preuve qu'il estime satisfaisante, qu'en raison de cette maladie il n'est pas possible à cet enfant de reprendre sa fréquentation à plein temps d'une école ou d'une université, l'enfant, malgré l'alinéa (1)b), est réputé avoir fréquenté à plein temps sans interruption appréciable une école ou une université jusqu'à la fin de l'année scolaire.

**3. Section 3 is repealed and the following is substituted:**

3. The Administrator shall notify a former member of any changes to the Act or these regulations that affect the rights or entitlements of the former member within 90 days after the changes are made.

**4. Paragraph 4(a) is repealed and the following is substituted:**

- (a) those investments permitted under the *Pension Benefits Standards Act, 1985* (Canada) and the regulations made under that Act; and

**5. Sections 5 to 7, including the heading "GENERAL" and the subheading "Registration" preceding section 6, are repealed and the following is substituted:**

5. (1) All allowances and benefits shall be funded on the basis of an actuarial valuation prepared as at April 1 in the year immediately following each general election.

(2) The actuarial valuation referred to in subsection (1) shall be prepared in accordance with the recommendations of the Canadian Institute of Actuaries and generally accepted actuarial principles.

(3) The actuarial valuation referred to in subsection 4(6) of the Act shall be prepared in accordance with the recommendations of the Canadian Institute of Actuaries and generally accepted actuarial principles.

GENERAL

Registration

6. (1) Every member shall register with the Administrator by sending to the Administrator, within 90 days of becoming a member, a completed registration in the form provided by the Administrator.

(2) The registration must be accompanied by proof of age of the member that is satisfactory to the Administrator.

7. A member or former member may, in the form provided by the Administrator, have a person registered as his or her spouse or revoke the registration of his or her spouse.

### Designation of Beneficiary

8. A member or former member may, in the form provided by the Administrator, designate a beneficiary or revoke the designation of a beneficiary.

### Elections

9. (1) A qualifying member shall, without delay on becoming a qualifying member, send to the Administrator the information required by the Administrator.

(2) On receipt of the information referred to in subsection (1), the Administrator shall provide the qualifying member with the following:

- (a) the amount of the allowance payable and the date or event on which it will commence being payable;
- (b) a statement that a member who ceases to be a member may make an election under subsection 19(1) of the Act and explaining what that means;
- (c) such other information as the Administrator considers appropriate.

(3) A member who wishes to make an election under subsection 19(1) of the Act shall send to the Administrator an election in the form provided by the Administrator.

**6. The subheading "Receipt of Allowances and Benefits" preceding section 12 and sections 12 to 14 are repealed and the following is substituted:**

### Allowances and Benefits

12. (1) Every allowance and benefit

- (a) is payable monthly in advance; and
- (b) commences
  - (i) on the first day of the month immediately following the day on which the person becomes eligible to receive, or on which the person elects to receive, payment; or
  - (ii) where the person becomes eligible on the first day of a month, that day.

(2) Except as provided in the Act, every allowance and benefit ceases on the last day of the month in which the death of the recipient occurs.

### Calculation of Lump Sum

13. The actuarial present value of the basic allowance referred to in subsection 17(2) of the Act and the actuarial present value of the allowance referred to in section 17.1 of the Act must be calculated in accordance with the Canadian Institute of Actuaries Standard of Practice for Determining Pension Commuted Values in effect at the time of the calculation.

Transfer of Aggregate Value to RRSP

14. (1) The aggregate value of the allowances payable under the Act, referred to in subsection 20(1) of the Act, shall be calculated in accordance with the Canadian Institute of Actuaries Standard of Practice for the Computation of Transfer Values from Registered Pension Plans in effect at the time of the calculation.

(2) The prescribed kinds of registered retirement savings plans referred to in paragraph 20(1)(b) of the Act are those referred to in sections 20 and 20.1 of the *Pension Benefits Standards Regulations, 1985* made under the *Pension Benefits Standards Act, 1985* (Canada), and the relevant definitions in subsection 2(1) of the *Pension Benefits Standards Regulations, 1985* are hereby adopted for the purposes of this subsection.

**7. (1) Section 15 is amended by striking out "who has attained the age of majority" and by substituting "who has attained 19 years of age, but is less than 25 years of age, and is not cohabiting".**

**(2) The French version of paragraph 15(a) is amended by striking out "demande" and by substituting "déclaration".**

**8. Section 17 is amended by striking out "in Form 4" and by substituting "in the form provided by the Administrator".**

**9. Section 17.1 is amended by striking out "in Form 5" wherever it appears.**

**10. The following is added after subsection 17.1(2):**

(3) The surviving spouse, each child or each designated beneficiary, as the case may be, of a former member shall, within a reasonable time after the death of a former member, send to the Administrator any information required by the Administrator.

**11. Section 18 is repealed.**

**12. The Schedule is repealed.**