

## Chapter 8

### LEGISLATIVE ASSEMBLY STATUTES AMENDMENT ACT, 2008

(Assented to June 4, 2008)

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

#### *Legislative Assembly and Executive Council Act*

**1. (1) The *Legislative Assembly and Executive Council Act* is amended by this section.**

**(2) The English version of section 12 is amended by striking out "before the Commissioner" and substituting "in the presence of the Commissioner".**

**(3) Section 62 is repealed and the following is substituted:**

Oaths

62. Every member of the Executive Council shall, before assuming any duties of office, take the following oaths in the presence of the Commissioner:

- (a) an oath of allegiance in Form 1 of Schedule D, where the member has not taken that oath under section 12;
- (b) an oath of office in Form 4 of Schedule D.

**(4) Item 12 of Schedule A is amended by striking out the name "TUNNUNIQ" and substituting "TUNUNIQ".**

#### *Legislative Assembly Retiring Allowances Act*

**2. (1) The *Legislative Assembly Retiring Allowances Act* is amended by this section.**

**(2) The following provisions are amended by striking out "69 years" and substituting "71 years":**

- (a) subsection 6(5);
- (b) paragraphs 11(3)(c) and 12(4)(c);
- (c) subsection 19(5);
- (d) paragraph 19.1(1)(b).

**(3) The English version of subsection 19(6) is amended by striking out "69 years" and substituting "71 years".**

**(4) The French version of subsection 19(6) is amended by striking out "69 ans," and substituting "71 ans".**

**(5) Subsection 7(2) is amended by striking out "A person" and by substituting "Subject to subsection 8(4) of the *Supplementary Retiring Allowances Act*, a person".**

**(6) Subsection 12(3) is amended by striking out "subsection (2) and".**

**(7) The French version of that portion of subsection 13(2) preceding paragraph (b) is repealed and the following substituted:**

Calcul

(2) Le « revenu annuel admissible moyen et l'indemnité », visé au sous-alinéa (1)a(ii), représente le revenu annuel admissible moyen et l'indemnité, perçus par un député pendant la période de trois années de mandat sans chevauchement qui ont le revenu annuel admissible moyen et l'indemnité les plus élevés où :

- a) le revenu annuel admissible et l'indemnité, pour chacune de ces années,

sont multipliés

**(8) The French version of section 17.1 is amended by striking out "forfaitaire" and substituting "global".**

**(9) That portion of subsection 20(1) preceding paragraph (a) is repealed and the following substituted:**

Transfer to retirement savings plan

20. (1) An individual who ceases to be a member 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,

**(10) The following is added after subsection 20(1):**

(1.1) For the purpose of determining the amount that may be transferred under subsection (1),

- (a) the entire aggregate value of the allowances payable under this Act after the member has attained 65 years of age must be included; and
- (b) all or a portion of the aggregate value of the allowances payable under this Act before the member has attained 65 years of age may be included.

(1.2) A member who elects to transfer a portion as described in paragraph (1.1)(b) shall specify, in the election, the period of time to which the portion relates.

**(11) Subsection 20(3) is amended by striking out "calculated under subsection (1)" and by substituting "transferred under subsection (1)".**

**(12) The following is added after subsection 20(3):**

Allowances payable on death

(4) Where an election is made under subsection (1), the allowances referred to in section 15 and the lump sum referred to in sections 17 and 17.1 are payable only if

- (a) the individual elected to transfer only a portion of the aggregate value of the allowances payable under this Act; and
- (b) the individual, on his or her death, was eligible for an allowance under this Act.

**(13) The heading "REPORT TO LEGISLATIVE ASSEMBLY" preceding section 20.2 is repealed and the following is substituted:**

ASSIGNMENT

**(14) The following heading is added immediately before section 21:**

REPORT TO LEGISLATIVE ASSEMBLY

**(15) Paragraph 22(e.3) is amended by striking out "subsection 17(1) and section 17.1" and substituting "subsection 17.2(1)".**

**(16) Each provision listed in Column 1 of Schedule A is amended by striking out the word or words set out in the same row of Column 2 of the Schedule, wherever they appear, and substituting the word or words set out in the same row of Column 3 of the Schedule.**

*Supplementary Retiring Allowances Act*

**3. (1) The *Supplementary Retiring Allowances Act* is amended by this section.**

**(2) Subsection 8(3) is repealed and the following substituted:**

Entitlement to refund

(3) A person referred to in subsection (1) is entitled to be refunded the difference between the contributions the person made and the contributions that the person would have made under subsection 6(1) of the *Legislative Assembly Retiring Allowances Act*, with interest fixed by the Management and Services Board, if the person

- (a) has made contributions under subsection 6(2) or (6) of that Act; and
- (b) is a qualifying member as defined in subsection 9(1).

**(3) The following provisions are amended by striking out "69 years" and substituting "71 years":**

- (a) paragraphs 9(3)(b) and 10(3)(b);

- (b) paragraph 16.1(2)(b);**
- (c) paragraph 17(1)(b).**

**(4) The English version of subsections 16(3) and 16.1(4) is amended by striking out "69 years" and substituting "71 years".**

**(5) The French version of subsections 16(3) and 16.1(4) is amended by striking out "69 ans," and substituting "71 ans".**

**(6) Each provision listed in Column 1 of Schedule B is amended by striking out the word or words set out in the same row of Column 2 of the Schedule, wherever they appear, and substituting the word or words set out in the same row of Column 3 of the Schedule.**

**SCHEDULE A***(Subsection 2(19))**Legislative Assembly Retiring Allowances Act*

<b>Column 1 Provision Amended</b>	<b>Column 2 Word or Words Struck Out</b>	<b>Column 3 Word or Words Substituted</b>
• <b>in the English version of section 1, paragraph (b) of the definition "child"</b>	"whichever occurred later."	"whichever occurred later;"
• <b>the French version of subsection 6(6)</b>	<i>"Loi sur les allocations supplémentaires de retraite,"</i>	<i>"Loi sur les allocations supplémentaires de retraite"</i>
• <b>the French version of subsection 7(2)</b>	"subséquentment,"	"subséquentment"
• <b>in the English version of subsection 12(1), paragraph (b) of the definition "qualifying member"</b>	"capacity."	"capacity;"
• <b>in the English version of subsection 12(1), the definition "required capacity"</b>	<i>"Legislative Assembly and Executive Council Act;"</i>	<i>"Legislative Assembly and Executive Council Act."</i>
• <b>the English version of subparagraph 15(1)(c)(i)</b>	"to be paid; and"	"to be paid, and"
• <b>the English version of subsection 15(3), whenever it occurs</b>	"clause"	"subparagraph"
• <b>the French version of subparagraph 15(4)(b)(ii)</b>	<i>"l'enfant commence à cohabiter ou la fin de ses études à plein temps dans une école ou une université"</i>	<i>"l'enfant commence à cohabiter ou termine ses études à plein temps dans une école ou une université"</i>
• <b>the French version of paragraph 18(2)(a)</b>	"en cause,"	"en cause;"

**SCHEDULE B**

*(Subsection 3(6))*

*Supplementary Retiring Allowances Act*

<b>Column 1 Provision Amended</b>	<b>Column 2 Word or Words Struck Out</b>	<b>Column 3 Word or Words Substituted</b>
<ul style="list-style-type: none"> <li>• <b>in the English version of section 1, paragraph (b) of the definition "child"</b></li> </ul>	"later."	"later;"
<ul style="list-style-type: none"> <li>• <b>in the English version of section 1, paragraph (b) of the definition "cohabit"</b></li> </ul>	"relationship;"	"relationship; ( <i>cohabiter</i> )"
<ul style="list-style-type: none"> <li>• <b>the French version of subsection 8(3)</b></li> </ul>	" <i>législative,</i> "	" <i>législative</i> "
<ul style="list-style-type: none"> <li>• <b>the English version of paragraph 11(4)(a)</b></li> </ul>	"attains 18 years"	"attains 18 years; or"
<ul style="list-style-type: none"> <li>• <b>the French version of subsection 16.1(6)</b></li> </ul>	"versé"	"versée"
<ul style="list-style-type: none"> <li>• <b>the French version of subsection 18(4.1)</b></li> </ul>	"paragraphe 16.1(1)"	"paragraphe 16.1(1),"