

1985 BILL 48

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 48

**MEMBERS OF THE LEGISLATIVE ASSEMBLY
PENSION PLAN ACT**

THE PROVINCIAL TREASURER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 48

1985

MEMBERS OF THE LEGISLATIVE ASSEMBLY PENSION PLAN ACT

(Assented to _____, 1985)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “benefit” means a pension benefit on termination, death benefit or non-pension benefit on termination under Part 5;
- (b) “Board” means the Members of the Legislative Assembly Pension Plan Board established by section 5;
- (c) “contributions” means contributions under the Plan, and includes contributions under the former Act that are of a nature corresponding to those in question;
- (d) “current service contributions” means an officer’s contributions under section 13(1);
- (e) “Deputy Chairman” means the Deputy Chairman of Committees of the Legislative Assembly;
- (f) “Deputy Speaker” means the Deputy Speaker and Chairman of Committees of the Legislative Assembly;
- (g) “disability plan” means regulations under section 44 of the *Legislative Assembly Act*;
- (h) “former Act” means the *M.L.A. Pension Act*;
- (i) “Leader of the Opposition” means the member recognized by the Speaker as the leader of Her Majesty’s loyal opposition;
- (j) “member” means Member of the Legislative Assembly;
- (k) “Minister” means the Member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (l) “office” means the position or office of Member of the Legislative Assembly, of Member of the Executive Council in any capacity, or of Speaker, Deputy Speaker, Deputy Chairman or Leader of the Opposition;
- (m) “officer” means a person who holds or previously held an office and is a participant of the Plan by virtue of section 11;
- (n) “pension” means a pension under the Plan;
- (o) “pensionable service” means service in or in respect of a particular office and in respect of which contributions have been made under section 13 or 15;
- (p) “Plan” means the pension plan continued by section 2 as the Members of the Legislative Assembly Pension Plan;
- (q) “prescribed” means prescribed or otherwise provided for by regulations made by the Lieutenant Governor in Council or, where so specified, by the Minister;
- (r) “prior service” means any service other than that for which current service contributions are made;

(s) “salary” means

(i) in respect of the office of member, the amounts payable under sections 39, 42(1)(a) and 43(3)(a) of the *Legislative Assembly Act*;

(ii) in respect of the office of Member of Executive Council, the amounts payable under sections 50(1)(a) and 51 of that Act;

(iii) in respect of the office of Speaker, Deputy Speaker or Deputy Chairman, the amounts payable under section 46(1) of that Act;

(iv) in respect of the office of Leader of the Opposition, the amounts payable under section 47(1) of that Act;

(t) “service” means a period served performing an office, and, for the purpose only of computing pensionable service in respect of the office of member, includes any period of service within the meaning of the *Public Service Management Pension Plan Act*, other than one served with a private body;

(u) “spouse” means

(i) a person who, at the relevant time, was married to a participant or former participant and

(A) was not judicially or otherwise separated from him, or

(B) if so separated, was wholly or substantially dependent on him,

(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who

(A) lived with the participant or former participant

(I) for the 5-year period immediately preceding the relevant time, or

(II) for the 2-year period immediately preceding the relevant time if there is a child born to that person and the participant or former participant, and

(B) was, during that period, held out by the participant or former participant in the community in which they lived as his consort, or

(iii) if there is no person to whom subclause (i) or (ii) applies, a person who was married to but separated from the participant or former participant and not dependent on him at the relevant time.

(2) The Lieutenant Governor in Council may, for the purposes of this Act, by regulation define any expression used in this Act but not defined, and the expression has the meaning so defined.

(3) A person is deemed, for the purposes of this Act, to hold an office during any period in respect of which the *Legislative Assembly Act* entitles him to receive any salary for that office.

Members of the Legislative Assembly Pension Plan

The Plan **2** The pension plan provided for by and under the former Act is continued, subject to this Act and the regulations, as the Members of the Legislative Assembly Pension Plan.

PART 1 ADMINISTRATION

Division 1 The Minister

Administration of the Plan **3** The Minister shall administer the Plan.

Report to the Legislative Assembly **4(1)** The Minister shall prepare and lay before the Legislative Assembly a report on the operation of the Plan with respect to each fiscal year.

(2) The report must include a statement of the most recent estimate by the Minister of the actuarial liabilities of the Plan.

(3) The Minister shall conduct an estimate of the actuarial liabilities of the Plan at least once every 5 years.

Division 2 The Members of the Legislative Assembly Pension Plan Board

Establishment, composition, term of office, etc. **5(1)** There is hereby established a board known as the Members of the Legislative Assembly Pension Plan Board.

(2) The Board shall consist of not fewer than 5 persons appointed members of the Board by the Lieutenant Governor in Council.

(3) A member of the Board holds office for the term fixed in relation to him by the Lieutenant Governor in Council.

(4) The Minister may prescribe the remuneration and expenses to be paid to members of the Board.

(5) The Board may make rules respecting the calling of and the conduct of business at its meetings.

Chairman and vice-chairman **6(1)** The Lieutenant Governor in Council shall designate one of the members of the Board to be the chairman and another member to be the vice-chairman of the Board.

(2) The vice-chairman shall act as chairman when the office of chairman is vacant or when the chairman is absent or unable to act.

Support services **7** The Minister shall provide such supplies, services and accommodation as he considers necessary to enable the Board to fulfil its objects.

Objects of the Board **8** The objects of the Board are

(a) to conduct the hearing of appeals under Part 6;

(b) to provide advice to the Minister under section 9;

- (c) where appropriate, to extend time limits and treat benefit choices as revoked under section 10;
- (d) to exercise and perform any other powers and duties assigned to it by this Act and the regulations;
- (e) to perform any other duties relating to the Plan that are assigned to it by the Minister.

Advisory functions of the Board

9 The Board may advise the Minister respecting any matters relating to the Plan, including

- (a) the adequacy of contributions to meet benefits,
- (b) adjustments to pensions under section 23,
- (c) rates of interest for the purposes of the Plan,
- (d) benefits,
- (e) recognition of prior service,
- (f) eligibility and participation in the Plan, and
- (g) the actuarial tables prescribed or to be prescribed by the Minister.

Board's power to extend time limits, etc.

10(1) Where

- (a) a person fails to meet a time limit under the Plan,
- (b) the failure will or could result in a person's obtaining different benefits than those he would have obtained had the time limit been met, and
- (c) the Board is satisfied that the failure results from circumstances that import no material fault on the part of that person,

the Board may, on application to it, extend the time limit.

(2) Where

- (a) the circumstances set out in subsection (1)(a), (b) and (c) apply,
- (b) the benefit has been received or has commenced to be paid, and
- (c) the Board is satisfied that a choice, including a deemed choice, that would otherwise be irrevocable under section 34(2) could materially prejudice the best interests of the recipient or his dependants,

the Board may, on application to it, treat that choice as revoked, extend the time limit for making the choice and order any consequential adjustments in the benefits.

(3) Where

- (a) a benefit choice has been made, and
- (b) the Board is satisfied that
 - (i) the choice communicated to the Minister was not that which the person making the choice actually intended, and

(ii) the application mentioned in this section does not result from a change in a person's circumstances affecting the choice,

the Board may, on application made to it within 3 months from the date when the benefit was received or commenced to be paid, treat the choice as revoked, substitute for it the choice that, in the Board's opinion, the person originally intended to make and order any consequential adjustments in the benefits.

PART 2 PARTICIPATION

The participants **11(1)** Subject to this section, the participants of the Plan are those persons who

(a) are members, whether or not they hold any other office, and have notified the Minister in writing that they wish to participate in the Plan, or

(b) previously held an office and are prescribed to be participants of the Plan.

(2) If a person has formerly been a member and after a lapse of time becomes a member again, he does not become a participant of the Plan unless he makes a fresh notification under subsection (1)(a).

(3) Subsection (1) does not apply to the holder of an office who is in receipt of a pension in respect of his own pensionable service in that office.

PART 3 CONTRIBUTIONS

Disposition of contributions **12** All contributions shall be made and remitted to the Provincial Treasurer for disposition under the *Pension Fund Act*.

Officer current service contributions **13(1)** Subject to subsection (2), an officer shall, at the intervals prescribed by the Minister, make contributions at the rate of 7.5% of his salary for each office held by him.

(2) Current service contributions are not to be made after an officer has accumulated 20 years of pensionable service in the relevant office.

(3) The Government may withhold current service contributions from salary payments.

(4) If an officer who is in receipt of benefits under the disability plan is a participant of the Plan, the Government shall, on behalf of that participant, make contributions for the purposes of subsection (1) in such circumstances as are prescribed.

Government contributions **14** As long as and at the same time as an officer is making current service contributions in respect of an office, the Government shall make contributions in respect of that office at a rate equal to the rate applicable to the officer.

PART 4
PENSIONABLE SERVICE

Computation of pensionable service

15(1) Subject to this section, in computing the length of pensionable service that a person accumulated under the Plan relating to a particular office, the following periods of service, not exceeding 20 years in aggregate, are the periods to be taken into account:

(a) service in respect of which current service contributions have been made respecting that office;

(b) where the contributions required by subsection (2) have been made and the terms and conditions prescribed in relation to the service in question have been satisfied,

(i) prior service in that office,

(ii) service in that office that would be pensionable service but for subsection (4),

(iii) service in that office that a deceased referred to in section 25(2) could, when alive, have had taken into account as pensionable service on payment of the required contributions, and

(iv) other service, in the case of the office of member.

(2) Contributions for service described in subsection (1)(b) shall be made in the amount and on the terms and conditions prescribed in relation to the service in question.

(3) Except as prescribed, service that is recognized as pensionable under any other pension plan under which a person is or will be entitled to receive or is receiving pension benefits may not be taken into account as pensionable service.

(4) Service in respect of which contributions made have been returned may not be taken into account.

(5) For the purposes of subsection (1), the regulations may treat only part of the service referred to in that subsection as counting towards a person's pensionable service.

PART 5
BENEFITS

Interpretation

16 In this Part,

(a) "actuarially equivalent" means equivalent in accordance with the appropriate actuarial tables prescribed by the Minister;

(b) "matrimonial property order" means a matrimonial property order within the meaning of the *Matrimonial Property Act*, or a similar order enforceable in Alberta of a court outside Alberta, that affects the payment or distribution of a person's benefits;

(c) "normal pension" means a pension in the actuarially unreduced amount specified in section 17(2) or (3), as the case may be, and in the form specified in section 17(5);

- (d) “officer contributions” means
 - (i) current service contributions,
 - (ii) any contributions for prior service made by an officer, and
 - (iii) any contributions made under section 15(2) for service described in section 15(1)(b)(ii) that are recognized by the Minister as officer contributions.

Division 1

Pension Benefits on Termination

Pension on
ceasing to be
an officer

17(1) In this section, “pensionable salary” means

- (a) in the case of an officer with more than 3 years’ service in an office, his average annual salary for the office in the 3 consecutive years of his pensionable service in the office, including any further service that would be such pensionable service but only for its exceeding the 20-year aggregate limit referred to in section 15(1), over which his average salary was the highest, or
- (b) in the case of an officer with 3 years’ service or less in that office, his average annual salary over that period.

(2) An officer who

- (a) ceases to be a member, and
- (b) has accumulated at least 5 years’ pensionable service in or in respect of that office,

becomes entitled to receive a pension in an annual amount equal to 4% of his pensionable salary for that office multiplied by the number of years of his pensionable service in or in respect of that office, if his age is then 55 years or more, or, if his age is then less than 55 years, a pension in the form of a normal pension and in an amount that is actuarially equivalent to the pension that would be payable to him under this subsection if his age were then 55 years.

(3) An officer who

- (a) ceases or has previously ceased to hold an office other than that of member,
- (b) has accumulated at least 1 year’s pensionable service in that office, and
- (c) has accumulated at least 5 years’ pensionable service in or in respect of the office of member

becomes entitled to receive a pension in an annual amount equal to 4% of his pensionable salary for the office referred to in clause (a) multiplied by the number of years of his pensionable service in that office, if his age is then 55 years or more, or, if his age is then less than 55 years, a pension in an amount that is actuarially equivalent to the normal pension that would be payable to him under this subsection if his age were then 55 years.

(4) A person is not entitled to a pension under subsection (2) or (3) during any period in respect of which he receives benefits under the disability plan.

(5) A pension under this section is payable for the life of the pensioner.

(6) Where a former officer receiving a pension in the form specified in subsection (5) dies leaving a surviving spouse to whom he was married or with whom he lived for at least 5 years before his death, the pension is payable to that spouse for life in an amount equal to $\frac{3}{4}$ of the pension that was payable to him.

Alternative forms of pension

18(1) A person is entitled, as an alternative to taking a pension in the form specified in section 17(5), to select a form of pension from one of the following:

(a) a guaranteed term pension, payable for the term selected by him of 5, 10, 15 or 20 years or the life of the pensioner, whichever is the longer;

(b) a joint life pension, payable during the joint lives of the pensioner and a nominee designated by him and which, after the death of either, continues to be payable

(i) in the same amount as the amount payable before the death,

(ii) in the amount of $\frac{2}{3}$ of it, or

(iii) in the amount of $\frac{1}{2}$ of it,

to the survivor for his life.

(2) As a further alternative, the Minister may, on the application of the person entitled, allow that person to select a pension in a form not described in subsection (1) but that the Minister considers is best suited to the person's circumstances.

(3) Where an alternative form of pension is selected under subsection (1) or (2), the pension shall be in an amount that is actuarially equivalent to the pension to which it is an alternative.

(4) The term under a guaranteed term pension under the Plan may not end later than the day before the pensioner's 86th birthday.

Co-ordination of certain pensions with C.P.P. and O.A.S.

19 Notwithstanding anything in the Plan, in the case of pensions commencing before the age of 65 years, the Minister may prescribe bases for co-ordinating pensions with the estimated Canada Pension Plan retirement pension and Old Age Security benefit on an actuarial equivalency basis.

Postponement of pension

20(1) A person who is to receive a pension under section 17 may postpone commencement of his pension.

(2) When a pension that was postponed becomes payable, it shall be in the form of a normal pension and in an amount that is actuarially equivalent to the normal pension or the pension in the form of a normal pension that would have been payable had the postponement not been made.

Spousal
protection

21(1) In this section,

- (a) “pensioner” includes a prospective pensioner;
- (b) “spouse” means the person, if any, who is or was the spouse of a pensioner at the time
 - (i) when he makes his choice as to the form of pension pursuant to a request by the Minister under section 22, or
 - (ii) if he does not make that choice, when he is deemed under that section to have chosen the pension mentioned in that section.

(2) Notwithstanding anything in this Act except subsection (3) and section 17(6), a person who is to receive a pension and who has a spouse shall be deemed for the purposes of the Plan to have chosen a normal pension, if he was married to or lived with that spouse for at least 5 years before the commencement of the pension.

(3) Subsection (2) does not apply where there is filed with the Minister, before the pension commences to be paid,

- (a) a statutory declaration in the form prescribed by the Minister by the spouse that
 - (i) contains a statement indicating that the spouse is aware of his rights under this section and waiving those rights, and
 - (ii) is signed by the spouse in the presence of the person before whom the declaration is administered and outside the immediate presence of the pensioner, or
- (b) a matrimonial property order.

Failure to
select pension

22 Where a person who is entitled to a choice of pensions is requested in writing by the Minister to make the choice and he fails to do so within 3 months after the request is sent, he shall be deemed for the purposes of the Plan to have chosen a pension in the form of a normal pension.

Benefit
adjustments

23(1) Notwithstanding anything in this Act, the Lieutenant Governor in Council may by regulation, for the purpose of maintaining approximate parity with the cost of living, make adjustments in the amounts payable as pensions.

(2) No adjustment under subsection (1) may reduce a person’s pension to an amount below that to which the Plan, apart from that subsection, entitles him.

Division 2 Death Benefits

Benefit on
death before
commencement
of pension

24 Where a person, other than a pensioner, who has officer contributions in the Plan that have not been returned to him dies, an amount equal to the unreturned officer contributions, with interest, shall be

- (a) paid to his surviving spouse, or

(b) if he has no spouse surviving him, paid to the person entitled to receive any benefit on his death.

Additional
payments for
spouse or
dependent minor

25(1) Where

(a) the person entitled to payment under section 24 is

- (i) the surviving spouse of the deceased, or
- (ii) a dependent minor child of his, and

(b) the deceased

- (i) died while in office or in a period during which he was entitled to receive or received benefits under the disability plan, or
- (ii) had accumulated at least 5 years' pensionable service in or in respect of an office,

the spouse or the dependent minor child is also entitled to receive a further amount equal to the current service contributions and any other prescribed officer contributions not previously returned to the deceased, with interest.

(2) Where the deceased had a surviving spouse entitled to payment under section 24 and had accumulated

- (a) in the case of the office of member, at least 5 years' pensionable service in or in respect of the office, or
- (b) in the case of another office,
 - (i) at least 5 years' pensionable service in or in respect of the office of member, and
 - (ii) at least 1 year's pensionable service in that other office,

his spouse may elect to be paid, instead of the payments under subsection (1) and section 24, the pension provided for in subsection (3).

(3) The pension referred to in subsection (2) is

- (a) the pension that would have been payable if the deceased, immediately before his death,
 - (i) had ceased to hold the office in question,
 - (ii) had attained the age of 55 years if in fact he had not, and
 - (iii) had been entitled to exercise and had exercised the option described in section 18(1)(b)(i) with his spouse as the designated nominee, or
- (b) subject to section 18(4), a pension, payable for the term selected by the spouse of 5, 10, 15 or 20 years or the life of the spouse, whichever is the longer, that is actuarially equivalent to the pension provided for under clause (a).

Division 3

Non-Pension Benefits on Termination

Termination
before
entitlement
to pension

26 Where an officer ceases to hold an office before he becomes entitled to receive a pension, he

(a) shall be paid an amount equal to the officer contributions made in respect of that office not previously returned to him,

(i) with interest, if he has accumulated at least 1 year's pensionable service in that office, or

(ii) otherwise, without interest, or

(b) if he has accumulated at least 1 year's pensionable service in an office other than that of member, may elect to leave those contributions in respect of that office in the Plan until he ceases to be a member.

Division 4

Miscellaneous

Beneficiaries

27(1) Any person on whose death a benefit is payable is a participant for the purposes of section 47 of the *Trustee Act*.

(2) Where a person designates a person to receive a benefit payable on his death, whether beneficially or in a representative capacity, or revokes a designation so made, the designation or revocation may be filed with the Minister.

(3) Where a person designates his estate as being entitled to receive a benefit payable on his death, or makes a designation using words indicative of his estate or of the representative capacity of his personal representative, he shall be deemed to have designated the personal representative of his estate in his representative capacity.

(4) Where

(a) at the date of the death of a person on whose death a benefit is payable, there is no valid designation by him filed with the Minister, or

(b) after his death, but before any payment is made under subsection (5), there is filed with the Minister a valid revocation by him of a designation filed with the Minister

and no valid designation is filed with the Minister before any such payment is made, the person entitled to receive any benefit payable on his death is the deceased's spouse, if he is survived by a spouse, or the personal representative of the deceased's estate, if there is no surviving spouse.

(5) When a benefit is paid to a surviving spouse or the personal representative of an estate by virtue of the operation of subsection (4), the payment is validly made as against the Government notwithstanding that a designation is filed under the Plan after the payment is made, and the person who would have been entitled under the designation has no right to any benefit as a result of the designation.

(6) Where a benefit is paid by virtue of the operation of subsection (4), the Board may not exercise its powers under section 10 in relation to a designation that was not filed before the payment.

(7) A benefit paid on the death of any person otherwise than to the personal representative of a deceased's estate is not part of the estate of the deceased and is not subject to the claims of his creditors.

(8) The right of any person under section 47 of the *Trustee Act* or this section to a benefit is subject to any rights given by Division 1 or 2 to any other person.

Matrimonial
property orders

28 Subject to section 36, the right of any person to receive a benefit is subject to the rights of a spouse or former spouse of his arising under a matrimonial property order.

PART 6 APPEALS

Appeal to
the Board

29(1) A party aggrieved by a decision of the Minister under or in relation to Parts 2 to 5 or the prescribed provisions of the regulations, other than a decision that could be the subject-matter of an application under section 10, may appeal against that decision to the Board.

(2) A party wishing to appeal to the Board under this section must serve the chairman of the Board with a notice of appeal in the form prescribed by the Minister within 30 days of being notified in writing of the decision appealed against or within such longer period as the Board may, on application, allow.

(3) The notice of appeal must specify the decision appealed against and the grounds of appeal.

(4) The Board may identify persons who may be interested in the appeal and may give directions as to the persons to be served with the notice of appeal, whether or not they are parties.

(5) For the purposes of conducting an appeal under this section, the Board

(a) has all of the duties, powers, privileges and immunities given to a commissioner appointed under the *Public Inquiries Act* by sections 3, 4, 7 and 9 of that Act, and

(b) shall be deemed to be a person for the purposes of section 1(a) of the *Administrative Procedures Act*.

(6) The Board may confirm, vacate or vary the decision appealed against.

(7) The Board shall serve the appellant and persons who received a notice of appeal with a copy of its decision, including the reasons for the decision.

Appeal to
the Court of
Queen's Bench

30(1) A party aggrieved by a decision of the Board under section 29 may, within 30 days of the date of service of the Board's decision on him or such longer period as the Court may allow, appeal to the Court of Queen's Bench on a question of law or jurisdiction.

(2) The procedure in an appeal to the Court of Queen's Bench shall be the same as that provided in the Alberta Rules of Court for applications by originating notice.

(3) The Court of Queen's Bench, on hearing the appeal, may confirm, vacate or vary the decision of the Board or make any order it considers just.

PART 7 MISCELLANEOUS

Advance against pension	<p>31(1) Where there is a delay in processing a pension beyond 30 days from the effective date of the commencement of the pension, the Provincial Treasurer may advance money to the pensioner against the pension.</p> <p>(2) An advance under subsection (1) does not constitute the commencement of pension payments for the purposes of this Act.</p>
Actuarial tables	<p>32 The actuarial tables to be used for the purposes of the Plan or for particular provisions of the Plan are those prescribed by the Minister.</p>
Participation statement	<p>33 The Minister shall, once in each year, provide each participant with a statement containing the information prescribed by the Minister about the participant's participation in the Plan.</p>
Exercise of benefit choice	<p>34(1) A person wishing to exercise a choice in relation to a benefit must do so by giving written notice to the Minister indicating the choice.</p> <p>(2) Subject to section 10(2) and (3), a choice made, including a choice deemed to be made, in relation to a benefit is irrevocable when, and is not irrevocable until, the benefit is received or commences to be paid.</p>
Payment of benefits	<p>35 The payment of all benefits is guaranteed by the Government.</p>
Liability of benefits to legal process	<p>36 A person's interest in a benefit is not subject to garnishee proceedings, attachment, seizure or any legal process, except pursuant to section 40 or in respect of a failure to account for public money within the meaning of the <i>Financial Administration Act</i>.</p>
Prohibition against assignment	<p>37 A person may not assign his interest in a benefit.</p>
Overpayments and deficiencies	<p>38 Any overpayment of benefit paid or underpayment of contribution payable is recoverable by the Provincial Treasurer, with interest, as a debt due to the Government.</p>
Return of money	<p>39 If the Minister finds that a person paid a contribution that was not, or was in excess of what was, payable, the Minister shall repay the contribution or the excess, with interest.</p>
Retentions for default	<p>40 The Provincial Treasurer may withhold from any benefit payable a sum sufficient to meet any amount by which the person entitled to the benefit is indebted to the Government under the Plan and shall apply the money withheld in satisfaction of the debt.</p>

Rights and obligations under former Act

41(1) No person is entitled to any benefit or other right provided for by or under the former Act except in so far as the benefit or right is provided for by or under this Act.

(2) Subsection (1) does not affect the amount of any benefit payment of which commenced before the commencement of this section.

(3) A person who was in receipt of a pension immediately before the commencement of this Act continues, subject to this Act and the regulations, to be entitled to receive that pension.

Lieutenant Governor in Council regulations

42 The Lieutenant Governor in Council may make regulations

(a) respecting the manner in which benefits are payable, including the commutation of pensions;

(b) respecting the allowing of interest, except for overdue benefit payments;

(c) respecting the charging of interest, except for overdue contributions;

(d) respecting rates of interest;

(e) respecting the suspension of pensions of pensioners who acquire the holding of an office again and the treatment of those persons for the purposes of the Plan;

(f) respecting the suspension of pensions where relevant evidence required by or under regulations under section 43(g) or (h) is not submitted;

(g) prescribing the death benefit payable where a person who is entitled to a pension, or who would be so entitled but for its postponement, dies before making a choice as to the form of pension to be taken;

(h) prescribing any matter or thing that by this Act may or is to be prescribed by the Lieutenant Governor in Council.

Ministerial regulations

43 The Minister may make regulations

(a) specifying times by and the manner in which contributions must be remitted;

(b) respecting the allowing of interest when benefit payments are overdue;

(c) respecting the calculation of benefits;

(d) respecting the times that constitute the effective dates for the commencement of pensions;

(e) respecting the times when guaranteed terms of years are to be treated as commencing or continuing;

(f) respecting the submission of evidence of age, marital status, the existence or identity of a spouse, the fact of a person's being alive or any other fact relevant to determining eligibility for a benefit or the continuation of a pension or any other matter for which evidence is required;

(g) respecting the type of evidence required for the purposes of clause (f);

(h) prescribing any matter or thing that by this Act may or is to be prescribed by the Minister.

Application of regulations

44(1) Regulations under this Act may be made to apply generally or with respect to particular components of the Plan.

(2) A regulation under or by reference to section 11 or 23(1) is, if so provided in the regulation, effective from a date prior to that on which it would otherwise have been effective.

PART 8

CONSEQUENTIAL, TRANSITIONAL, REPEAL AND COMMENCEMENT

Consequential

45(1) *The Legislative Assembly Act is amended*

(a) *in section 47(4), by striking out “and the M.L.A. Pension Act”;*

(b) *in Part 3 of the Schedule, by adding “Members of the Legislative Assembly Pension Plan Board” in its appropriate alphabetical position.*

(2) *Section 5(1)(b) of the Pension Fund Act is repealed and the following is substituted:*

(b) *the Members of the Legislative Assembly Pension Plan Act.*

(3) *The Public Service Management Pension Plan Act is amended*

(a) *in section 1(1)(e)(iii) by striking out “M.L.A. Pension Act” and substituting “Members of the Legislative Assembly Pension Plan Act”;*

(b) *by repealing section 51(2).*

(4) *Section 1(1)(e)(iv) of the Public Service Pension Plan Act is amended by striking out “M.L.A. Pension Act” and substituting “Members of the Legislative Assembly Pension Plan Act”.*

Transitional

46(1) *The Public Service Management Pension Board shall transfer to the Minister all the documents that were in its possession under the former Act, and documents filed with that Board in relation to officers shall be deemed for the purposes of this Act to have been filed with the Minister.*

(2) *An order, regulation or resolution made by the Public Service Management Pension Board under the former Act shall, to the extent that it can be made applicable to and is consistent with this Act, be deemed to be a regulation under this Act, until it is replaced by an equivalent regulation under this Act.*

(3) *Notwithstanding section 11(1), members contributing under the former Act immediately before the commencement of that subsection continue to be participants of the Plan after that time.*

Repeal

47 *The M.L.A. Pension Act is repealed on Proclamation.*

Coming into force

48 *This Act comes into force on Proclamation.*