

# Nuclear Waste Management Organization v MNR, 2012 TCC 217

## When is an Advisory Board Member an Officer?

### [Nuclear Waste Management Organization v MNR, 2012 TCC 217](#)

The Court was required to determine whether members of the advisory council for the NWMO were in the tenure of an office, and therefore were in pensionable employment pursuant to the [Canada Pension Plan](#), paragraph 6(1)(a).

The members of the advisory council were paid \$10,000 per year on a quarterly basis, and a *per diem* amount of \$850 for each day the member attended a meeting. They had no decision making authority and only provided non-binding recommendations.

The Court decided that the definition of "office", containing the words "means" and "includes" should be interpreted exhaustively with the inclusion added for greater certainty, so that the only class of offices excluded from the wide ranging exhaustive definition are those that are related to public service or are obtained in unique ways and are officers with authority but are not mentioned in the enumerated list (eg. the Governor General).