

1971 Bill 102

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 102

An Act to amend The Teachers' Retirement Fund Act

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 102

1971

AN ACT TO AMEND THE TEACHERS' RETIREMENT FUND ACT

(Assented to _____, 1971)

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

1. *The Teachers' Retirement Fund Act is hereby amended.*

2. *Section 2 is amended*

(a) *as to clause (g), subclause (ii) by striking out the words "Lieutenant Governor in Council" and by substituting the word "Minister",*

(b) *as to clause (h) by striking out subclause (i) and by substituting the following:*

(i) *pursuant to Part 5 of The School Act, if the holding of the certificate of qualification is a condition of his employment;*

3. *Section 12 is struck out and the following is substituted:*

12. The costs of administration of the Fund and all matters relating thereto shall be borne by and paid out of the Fund, but from and after July 1, 1971, the Provincial Government shall bear one half of the costs of administration of the Fund and the Provincial Treasurer shall pay over to the Fund each month its share of the costs for the previous month.

4. *Section 14, subsection (1) is amended by adding the following clause after clause (d):*

(e) *that portion of the costs of any specific or general adjustments in the amount of pensions authorized by the Lieutenant Governor in Council and attributed to the Provincial Government in the order made pursuant to section 34.1.*

5. *Section 16 is amended*

(a) *as to subsection (1) by striking out the words "68 years" and by substituting the words "65 years",*

Explanatory Notes

1. This Bill will amend chapter 361 of the Revised Statutes of Alberta 1970.

2. Section 2(g) (ii) and (h) (i) presently read:

- (g) "school board" means
 - (ii) any corporation approved for the purpose by the Lieutenant Governor in Council
- (h) "teacher" means a person holding a permanent or temporary certificate of qualification as a teacher issued by the Minister of Education under The Department of Education Act who is employed
 - (i) pursuant to Part 5 of The School Act, or

3. Section 12 presently reads:

12. The costs of administration and all matters relating thereto shall be borne by and paid out of the Fund.

4. Section 14(1) presently reads:

14. (1) Payments that are made by the Board from the Fund pursuant to this Act and the by-laws of the Board and that are paid for any month on or after the first day of April, 1956, shall be repaid to the Board by the Provincial Treasurer to the following extent:

- (a) pension payments and disability allowances to persons who first became entitled thereto before the first day of April, 1948, shall be repaid in full;
- (b) pension payments and disability allowances to persons who first became entitled thereto on or after the first day of April, 1948, shall to the extent that they represent pensionable service before the first day of September, 1939, be repaid in full and to the extent that they represent pensionable service on or after the first day of September, 1939, be repaid in half the amount but, with respect to any increase in pension payments pursuant to a by-law of the Board filed as Alberta Regulation 330/68
 - (i) to a person who retired prior to July 1, 1959, or to a survivor of such a person, or
 - (ii) to a spouse of a teacher who died prior to July 1, 1959, the amount of the increase shall be repaid in full;
- (c) the amounts charged to the reserve account pursuant to section 33, subsection (1) shall be repaid in full;
- (d) the amounts in excess of teachers' contributions and interest thereon which are transferred to other pension authorities pursuant to an approved agreement or arrangement shall be repaid in full.

5. Section 16(1) and (2) presently read:

16. (1) Every teacher shall contribute to the Fund such amount of his salary, being not less than 3 per cent nor more than 7 per cent thereof as the Board may prescribe by by-law, until he has contributed for an aggregate of 35 years of service or until he attains the age of 68 years, whichever occurs first.

(2) Notwithstanding subsection (1), no contributions shall be made by a substitute, temporary or part-time teacher in respect of his daily salary in any calendar month unless he is engaged and paid for 10 or more days in that month.

(b) *as to subsection (2) by striking out the words “in respect of his daily salary in any calendar month unless he is engaged and paid for 10 or more days in that month”.*

6. *Section 18, subsection (1) is amended by adding after the words “may appoint in writing” the words “and in the manner prescribed by the Board”.*

7. *Section 19 is amended*

(a) *as to subsection (1) by adding to the end thereof the words “but the Minister may, upon the request of the Board, and until the prescribed statements have been provided to the Board, retain all or any part of the grant,”,*

(b) *as to subsection (3) by adding after the words “retained by it” the words “, or to furnish to the Board the prescribed statements relative thereto”.*

8. *Section 29 is amended by striking out subsection (2).*

9. *Section 32 is amended by striking out subsection (1) and by substituting the following:*

32. (1) A person who

(a) leaves or has left his employment as a teacher in Alberta, and

(b) thereafter is or becomes employed or engaged in (i) an occupation, service or activity approved by the Board, or

(ii) attending and completing a course of university studies approved by the Faculty of Education of a university under The Universities Act leading to an improvement in his teacher qualifications, or

(iii) any consecutive combination of the employments or engagements designated in subclauses (i) and (ii),

and

(c) returns or intends to return to employment

(i) as a teacher in Alberta or in another province or territory of Canada in respect of which the Board has by by-law made reciprocal provision for the payment of pension, or

(ii) as a teacher by an authority with whom the Board has a reciprocal agreement,

may, when his employment or engagement under clause (b), subclauses (i) and (ii) is continuous,

6. Section 18(1) presently reads:

18. (1) Every school board shall pay the moneys required to be retained by it under section 17 to the Board as contributions to the Fund by its teachers at such time or times as the Board may appoint in writing, and with every such payment shall furnish to the Board a correct statement so certified by its secretary or other proper officer showing the name of each teacher whose contributions to the Fund are included in the payment, the amount of salary earned by him, and such other information within the knowledge of the school board as the Board may reasonably require for the due administration of the Fund.

7. Section 19(1) and (3) presently read:

19. (1) If any school board fails to make payment of the moneys required to be retained by it, or any part thereof, at the time or times appointed by the Board, the Minister shall retain from the next legislative grant payable to the school board the amount by which it is then in default of payment, and shall pay the amount so retained to the Board as contributions by the teachers.

(3) Every school board that fails to make payment of the moneys required to be retained by it shall on request by the Minister furnish to him the same information which it is required to furnish to the Board by section 18, and with every payment by the Minister to the Board pursuant to this section the Minister shall furnish to the Board a correct statement showing the name of each teacher whose contributions to the Fund are included in the payment, the amount of salary earned by him, and such other information within the knowledge of the Minister as the Board may reasonably require for the due administration of the Fund.

8. Section 29(2) presently reads:

- (2) The Board shall
- (a) credit to the reserve account established by section 15 the amounts of the payments made by each private school out of its funds which equal the amounts of contributions by its private school teachers, and
 - (b) credit to the Fund as it deems proper the additional payments by each private school out of its funds of the percentage of the salaries of its private school teachers prescribed by this Act or by by-law as aforesaid.

9. Section 32(1) presently reads:

32. (1) A person who
- (a) leaves or has heretofore left his employment as a teacher in Alberta, and
 - (b) thereafter is or becomes employed or engaged in
 - (i) serving in Canadian or allied forces while Canada is at war, or
 - (ii) an occupation, service or activity approved by the Board, or
 - (iii) attending and completing a course of university studies approved by the Faculty of Education of a university under The Universities Act leading to an improvement in his teacher qualifications, or
 - (iv) any consecutive combination of the employments or engagements designated in subclauses (i) to (iii), and
 - (c) returns or intends to return to employment
 - (i) as a teacher in Alberta or in another province or territory of Canada in respect of which the Board has by by-law made reciprocal provision for the payment of pension, or
 - (ii) as a teacher by an authority with whom the Board has a reciprocal agreement,

may, when his employment or engagement under clause (b), subclauses (i), (ii) and (iii) is continuous (except for such periods of absence as in the opinion of the Board are justified in the circumstances) apply to the Board for permission to contribute to the Fund in respect of the periods designated in clause (b), subclauses (i) and (ii).

(except for such periods of absence as in the opinion of the Board are justified in the circumstances) apply to the Board for permission to contribute to the Fund in respect of the period designated in clause (b), subclause (i).

10. *The following section is added after section 34:*

34.1 (1) Notwithstanding the provisions of this Act, for the purpose of maintaining an approximate parity with the cost of living, the Lieutenant Governor in Council may authorize the Board from time to time to make specific or general adjustments in the amount of pensions or any class thereof, effective from such time as may be specified in the order, and in each such case shall stipulate the portion of the cost of the adjustments to be borne by the Provincial Government and the Fund respectively.

(2) Nothing in subsection (1) empowers the Lieutenant Governor in Council to make specific or general adjustments in the amount of pensions or any class thereof which would have the effect of reducing the amount of a pension to a level below that to which a person becomes entitled (apart from subsection (1)) under this Act.

11. *Section 41 is amended by striking out clause (b) and by substituting the following:*

(b) engage such officers, employees, consultants and advisors as it considers necessary or advisable for the due administration of the Fund and the proper performance of its duties, upon such terms as it considers fit, with power

(i) to delegate to the consultants and advisors the authority to buy and sell securities comprising the Fund in accordance with such terms of reference as the Board may by regulation from time to time prescribe, and

(ii) to enter into and contribute from the Fund to pension plans for those of its officers and employees who are not teachers,

and

12. *The Provincial Treasurer shall, out of the General Revenue Fund of the Province, reimburse the Fund for the moneys paid out of the Fund pursuant to By-law No. 3 of 1970, being Alberta Regulation 186/70.*

13. *The aggregate of the sums paid into the reserve account established pursuant to section 15 since December 31, 1965 in accordance with section 29, subsection (2), to-*

10. Adjustment of pensions to keep pace with the cost of living.

11. Section 41(b) presently reads:

41. The Board shall

- (b) engage such officers, employees, consultants and advisors it considers necessary or advisable for the due administration of the Fund and the proper performance of its duties, upon such terms as it considers fit, with power to enter into and contribute from the Fund to pension plans for such of its officers and employees who are not teachers, and

12. This section provides statutory authority for reimbursement by the Government of certain moneys paid out of the Fund.

13. Section 15 and section 29(2) presently read:

15. (1) The money that the Lieutenant Governor in Council has paid since the first day of April, 1948, to school boards and that has been remitted by or on behalf of such school boards to the Board for deposit in the Fund, together with the interest that such money has earned, shall, in so far as such money and interest exceeds the amount that the Provincial Treasurer would have paid under section 14, subsection (1), clause (b) had that clause been in force on and after the first day of April, 1948, instead of the provisions by which such money was paid by the Lieutenant Governor in Council, be placed in a reserve account.

(2) The Board shall take from such reserve account the moneys payable under section 14 by the Provincial Treasurer, so that no money shall be paid by the Provincial Treasurer under section 14 until the reserve account, together with the interest that such money has earned, is exhausted.

29. (2) The Board shall

- (a) credit to the reserve account established by section 15 the amounts of the payments made by each private school out of its funds which equal the amounts of contributions by its private school teachers, and
- (b) credit to the Fund as it deems proper the additional payments by each private school out of its funds of the percentage of the salaries of its private school teachers prescribed by this Act or by by-law as aforesaid.

gether with interest thereon at the rate earned by the Fund from year to year, shall be transferred from the reserve account to the Fund on the date this Act comes into force.

14. This Act comes into force on the day upon which it is assented to.

