

1973 Bill 43

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 43

The Teachers' Retirement Fund Amendment Act, 1973

HONOURABLE MR. TOPOLNISKY

First Reading

Second Reading

Third Reading

BILL 43

1973

THE TEACHERS' RETIREMENT FUND AMENDMENT ACT, 1973

(Assented to _____, 1973)

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 16 is amended by striking out subsection (1) and by substituting the following:*

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 as the Board may prescribe by by-law, but all contributions made by a teacher after he has attained the age of 65 years, or after he has made contributions for an aggregate of 35 years of service, whichever occurs first, shall be refunded annually to the teacher by the Board.

3. *Section 18 is amended by striking out subsection (1) and by substituting the following:*

18. (1) Every school board shall, at the times and in the manner prescribed by the Board,

- (a) pay to the Board as contributions to the Fund all amounts which by section 17 that school board is required to retain, and
- (b) furnish the Board with a correct statement showing
 - (i) the name and salary of each teacher whose contribution to the Fund is included in the payment, and
 - (ii) such other information within the knowledge of the school board as the Board may reasonably require for the administration of the Fund.

4. *Section 19 is amended by striking out subsection (1) and by substituting the following:*

19. (1) If any school board defaults in the payment of all or part of the moneys required to be retained by it, or

Explanatory Notes

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

2. Section 16 (1) presently reads:

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 65 years, whichever occurs first.

3. 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 in the manner prescribed by the Board, 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.

4. Section 19 (1) presently reads:

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 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,

in the furnishing of any of the prescribed statements relative thereto, the Minister may, upon the request of the Board, retain all or any portion of the next legislative grant otherwise payable to that school board until the default is rectified, and in the interim the Minister may pay to the Board out of that grant an amount equal to the payment in default.

5. Section 20 is amended by striking out subsection (3) and by substituting the following:

(3) The Alberta Teachers' Association shall, at the times and in the manner prescribed by the Board,

- (a) pay to the Board as contributions to the Fund all amounts so retained, and
- (b) furnish the Board with a correct statement showing
 - (i) the name and salary of each teacher whose contributions to the Fund are included in the payment, and
 - (ii) such other information within the knowledge of the Alberta Teachers' Association as the Board may reasonably require for the administration of the Fund.

6. Section 23 is amended by striking out subsection (3) and by substituting the following:

(3) The Board of Governors shall, at the times and in the manner prescribed by the Board,

- (a) pay to the Board as contributions to the Fund all amounts so retained, and
- (b) furnish the Board with a correct statement showing
 - (i) the name and salary of each university teacher whose contributions to the Fund are included in the payment, and
 - (ii) such other information within the knowledge of the Board of Governors as the Board may reasonably require for the administration of the Fund.

7. Section 24 is amended by striking out subsection (6) and by substituting the following:

(6) The college board shall, at the times and in the manner prescribed by the Board,

- (a) pay to the Board as contributions to the Fund all amounts so retained, and
- (b) furnish the Board with a correct statement showing
 - (i) the name and salary of each academic staff

5. Section 20(3) presently reads:

(3) The Alberta Teachers' Association shall promptly pay the amounts so retained to the Board as contributions by the teachers in its employ to the Fund 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 Alberta Teachers' Association as the Board may reasonably require for the due administration of the Fund.

6. Section 23 (3) presently reads:

(3) The Board of Governors shall promptly pay the amounts so retained to the Board as contributions by the university teachers to the Fund and with every such payment shall furnish to the Board a correct statement showing the name of each university 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 Board of Governors as the Board may reasonably require for the due administration of the Fund.

7. Section 24 (6) presently reads:

(6) The college board shall promptly pay the amounts so retained to the Board as contributions by the academic staff member to the Fund and with every payment shall furnish to the Board a correct statement showing the name of each academic staff member whose contributions to the Fund are included in the payment, the amount of salary earned by him, and any other information within the knowledge of the college board which the Board may reasonably require for the due administration of the Fund.

- member whose contributions to the Fund are included in the payment, and
- (ii) such other information within the knowledge of the college board as the Board may reasonably require for the administration of the Fund.

8. *Section 25 is amended*

- (a) *by striking out subsection (1) and by substituting the following:*

25. (1) A teacher who within three months of last contributing to the Fund, or within such longer period as the Board may on written application approve, becomes employed by a local of The Alberta Teachers' Association in any position requiring the holding of a certificate of qualification issued under *The Department of Education Act*, shall contribute to the Fund from the commencement of such employment and shall be deemed to be a teacher while so employed.

- (b) *by striking out subsection (4) and by substituting the following:*

(4) The local shall, at the times and in the manner prescribed by the Board,

- (a) pay to the Board as contributions to the Fund all amounts so retained, and
- (b) furnish the Board with a correct statement showing
 - (i) the name and salary of each teacher whose contributions to the Fund are included in the payment, and
 - (ii) such other information within the knowledge of the local as the Board may reasonably require for the administration of the Fund.

9. *Section 28 is amended by striking out subsection (2) and by substituting the following:*

(2) The private school shall, at the times and in the manner prescribed by the Board,

- (a) pay to the Board as contributions to the Fund all amounts so retained, and
- (b) furnish the Board with a correct statement showing
 - (i) the name and salary of each private school teacher whose contributions to the Fund are included in the payment, and
 - (ii) such other information within the knowledge of the private school as the Board may reasonably require for the administration of the Fund.

8. Section 25 (1) and (4) presently read:

25. (1) A teacher who becomes employed as a full-time secretary or secretary-treasurer by a local of The Alberta Teachers' Association within three months of the date of his last contribution to the Fund, or within such longer period as the Board may approve on written application, shall continue to contribute to the Fund from the commencement of such employment and shall be deemed to be a teacher while so employed.

(4) The local shall promptly pay the amounts so retained to the Board as contributions by the teacher to the Fund 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 the teacher whose contribution to the Fund is made by the payment, the amount of salary earned by him, and such other information within the knowledge of the local as the Board may reasonably require for the due administration of the Fund.

9. Section 28 (1) presently reads:

28. (1) Each private school shall retain from the salary of each of its private school teachers the amount required to be contributed by him to the Fund under section 27 and shall deduct the amount from each payment to the private school teacher on account of salary.

10. Section 32, subsection (1), clause (b) is amended by adding the word "immediately" before the word "thereafter".

11. Section 34.1 is amended by striking out subsection (1) and by substituting the following:

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

- (a) may from time to time authorize the Board to make specific or general adjustments in either or both of
 - (i) the amount of pensions, or any class thereof, provided by this Act, and
 - (ii) the amount of any retirement benefit, other than a pension, which may be granted to a teacher by the Board or some other body,and
- (b) shall specify an effective date for the adjustments and stipulate the portion, if any, of the cost of the adjustments to be borne by the Government of Alberta, the Fund or the other body.

12. This Act comes into force on the day upon which it is assented to and upon so coming into force section 8, clause (a) and section 11 shall be deemed to have been in force at all times on and after May 1, 1971.

10. This change to section 32(1)(b) will clarify the intent by expressing that in order to qualify under that section, the employment described therein must commence immediately upon the termination of employment as a teacher in Alberta.

11. Section 34.1 (1) and (2) presently read:

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.