

1976 Bill 18

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 18**

THE PENSION STATUTES AMENDMENT ACT, 1976

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THE PROVINCIAL TREASURER

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First Reading .....

Second Reading .....

Third Reading .....

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# **BILL 18**

1976

## **THE PENSION STATUTES AMENDMENT ACT, 1976**

*(Assented to \_\_\_\_\_, 1976)*

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

### **The Local Authorities Pension Act**

*1. (1) This section amends The Local Authorities Pension Act.*

*(2) Section 7, subsection (2) is amended as to clauses (b) and (c) by striking out the words "a person" and by substituting therefor the words "that former employee".*

### **The Public Service Management Pension Act**

*2. (1) The Public Service Management Pension Act is amended by this section.*

## Explanatory Notes

**1. (1)** This section will amend chapter 219 of the Revised Statutes of Alberta 1970.

**(2)** Section 7, subsection (2), clauses (b) and (c) presently read:

(2) Where a former employee leaves an amount on deposit pursuant to subsection (1), clause (b),

(b) a person, if he has not less than five years' pensionable service and if he so elects, shall be paid a deferred pension at the age of 65 years but may be granted a pension at any time after he attains the age of 55 years, or

(c) a person, if he has attained the age of 55 years and if he so elects, shall be paid a deferred pension to commence on any date before he attains the age of 65 years if on the commencement date the sum of his attained age and pensionable service, calculated in each case to the nearest complete month, equals not less than 85 years.

**2. (1)** This section will amend chapter 81 of the Statutes of Alberta, 1972.

(2) *Section 1 is amended*

(a) *by adding the following clause after clause (a):*

(a.1) "disability plan" means a long term disability income continuance plan, approved by the Board, under which an employee who, as a result of illness or other disability rendering him unable to perform his regular duties, is entitled to be paid a percentage of his salary in accordance with that plan;

(b) *as to clause (g), subclause (i)*

(i) *by striking out the words "rate of", and*

(ii) *by striking out the word "body" and by substituting the word "party",*

(c) *as to clause (j) by adding after the words "but does not include" the words "money paid in lieu of holidays,"*

(d) *as to clause (k)*

(i) *in subclause (i) by adding after the words "Allied Forces" the words ", or in a merchant navy serving the Canadian or Allied cause,"*

(ii) *by striking out the word "and" at the end of subclause (iii), and*

(iii) *by adding the following subclauses after subclause (iv):*

(v) *service as a member of the Parliament of Canada, and*

(vi) *time during which an employee is receiving benefits under a disability plan.*

(3) *Section 2 is amended*

(a) *as to subsection (1), clause (a) by adding after the words "those employees of the Government who are" the words "employed for a minimum average of 30 hours per week throughout each year and who are", and*

(b) *by striking out subsections (6) and (7) and by substituting the following subsections:*

(6) *Notwithstanding subsection (1), any person employed by the Government on a seasonal or part-time basis may be brought under the application of this Act by order of the Board.*

(7) *Notwithstanding subsection (1), this Act shall apply to an employee during any period when he is on authorized leave of absence with or without pay or is receiving benefits under a disability plan.*

(2) Pay in lieu of holidays excluded for pension purposes. Service in merchant navy and in Parliament to be recognized. Provides integration with long term disability income continuance plan. Section 1 (g), (j) and (k) presently read:

- (g) "pensionable salary" means
  - (i) in the case of an employee whose service includes at least five years of employment with the Government or a party to a reciprocal agreement, the average rate of salary of that employee for the five consecutive years of service with the Government and that body during which his salary was the highest, or
  - (ii) in the case of any other employee, his pensionable salary as determined by the Board pursuant to section 33, subsection (5);
- (j) "salary" means, with reference to an employee,
  - (i) the gross rate of salary, wages, fees or other remuneration paid to him in any year of his employment in consideration of his services to his employer, and
  - (ii) the value of any non-cash employment benefit conferred on the employee in any year of employment,but does not include travelling expenses, subsistence allowances, overtime pay, bonuses or honouraria;
- (k) "service" means any period or periods during which a person is or has been employed prior to the age of 65 years by the Government, a body with whom there is a reciprocal agreement or any other body approved by the Board and includes
  - (i) service in the Canadian or Allied Forces during World War II or the Korean War,
  - (ii) authorized leave of absence with or without pay subject to conditions prescribed by the Board,
  - (iii) service as a member of the Legislative Assembly or of the Executive Council, and
  - (iv) any period of employment otherwise than with the Government that is approved by the Board.

(3) Minimum of 30 hours per week service required, provision for part-time service and provision for integration with long term disability income continuance plan. Removes subsections (6) and (7) which are obsolete. Section 2, subsection (1) (a) and subsections (6) and (7) presently read:

- 2. (1) This Act applies only to
  - (a) those employees of the Government who are
    - (i) the holders of offices or positions designated as management positions by an order of the Minister under subsection (2), clause (a), or
    - (ii) persons who are designated as employees for the purposes of this Act by an order of the Minister under subsection (2), clause (b).
  - (6) Notwithstanding subsections (1) and (2), any person to whom this Act would otherwise apply at the commencement of this Act may at any time not later than October 31, 1972 file with the Board a notice signed by him and by one witness stating that he elects to remain as a contributor under The Public Service Pension Act.
  - (7) Where a notice of election is filed with the Board in accordance with subsection (6),
    - (a) this Act shall be deemed to have never applied to the person filing the notice, and
    - (b) thereafter the person who filed the notice is not entitled to revoke the notice or to have this Act made applicable to him by an order of the Minister or the Board under this section.

*(4) Section 5 is amended by adding the following subsections after subsection (2):*

*(3) No contributions may be made by an employee pursuant to subsection (1) during any period when he is receiving benefits under a disability plan, unless otherwise ordered by the Board.*

*(4) Notwithstanding subsection (3), contributions shall be made in accordance with subsection (1) where payments under the disability plan together with any payments under a rehabilitation program are equal to or exceed the salary received by the employee immediately prior to his illness or other disability.*

*(5) Section 7 is amended*

*(a) as to subsection (1) by striking out the words "Board may" and by substituting the words "Lieutenant Governor in Council may", and*

*(b) as to subsection (2) by striking out clause (c) and by substituting the following:*

*(c) the date when payment is made in full to a beneficiary pursuant to section 29.*

*(6) Section 15 is amended*

*(a) as to subsection (1)*

*(i) in clause (b) by adding after the words "Canadian or Allied Forces" the words ", or in a merchant navy serving the Canadian or Allied cause,"*

*(ii) in clause (d) by striking out the words "service prior" and by substituting the words "service with the Government prior", and*

*(iii) by adding the following clauses after clause (i):*

*(j) any period of service as a member of the Parliament of Canada, if the person pays into the General Revenue Fund, at the rate and on the terms that the Board directs, contributions on the rate of remuneration paid to him by the Government of Canada during that service, together with interest at the rate prescribed by the Board that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full;*

(4) To provide integration with long term disability income continuance plan. Section 5, subsections (1) and (2) presently read:

5. (1) Every employee shall contribute to the Fund at the rate of 5 per cent of his salary.

(2) No contributions may be made by an employee pursuant to subsection (1) in respect of his employment after he reaches the age of 65 or once he has contributed an amount sufficient to establish a normal pension equal to 70 per cent of his pensionable salary.

(5) Lieutenant Governor in Council to set interest on contributions. Extends period in respect of which interest may be paid. Section 7 presently reads:

7. (1) Interest at the rate of 4 per cent a year, or at such other rate as the Board may from time to time fix by regulation,

(a) shall be credited by the Board to each employee's account on the last day of June and December in each year, and

(b) shall be computed on the amounts standing to the credit of the accounts on the next preceding first day of January and July respectively.

(2) The interest shall continue to be credited to an employee's account until the end of the calendar month immediately preceding

(a) the date when payment is made in full to the employee pursuant to section 27, or

(b) the date the employee becomes entitled to deferred pension payments pursuant to section 26, or

(c) the date of death of an employee whose beneficiary is entitled to benefits pursuant to section 29.

(6) Consequential to amendments to section 1 of the Act and to clarify subsection (3). Section 15, subsection (1), clauses (b) and (d) and subsection (3) presently read:

15. (1) For the purposes of this Act, pensionable service includes

(b) in the case of a person at the time of his enlistment

(i) who was in the employ of the Government, or

(ii) who was in the employment of the Legislative Assembly, or

(iii) who was in the employment of a public body with whom there is a reciprocal agreement

any period of absence on account of service in the Canadian or Allied Forces during World War II or the Korean War, if he pays into the Fund

(iv) a sum equal to the contributions that he would have made in respect of any period or periods of his service had he been subject to The Superannuation Act or The Public Service Pension Act, and

(d) in the case of a person

(i) who during a period or periods of his service was not eligible to become a contributor under this Act or The Public Service Pension Act, and

(ii) who has since become a contributor under this Act or The Public Service Pension Act,

the period or periods of his service prior to the date when he became a contributor, if there is paid into the Fund in such manner and upon such terms as the Board may direct an amount equal to the contributions he would have made had he then been a contributor under this Act or The Public Service Pension Act, together with interest that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full;

(3) Any period of service that is recognized for pension purposes under any other pension plan may not be counted as pensionable service under this Act unless the Board otherwise orders and then only upon such terms and conditions as the Board may direct.

(k) any period of service during which an employee has been receiving benefits under a disability plan, if in the case of employees brought under the application of this Act pursuant to section 35, payment is made into the General Revenue Fund at the rate and on the terms that the Board directs.

(b) *by striking out subsection (3) and by substituting the following:*

(3) Notwithstanding subsection (1), any period of service that is recognized for pension purposes by any other pension plan under which an employee is entitled to receive or is receiving pension benefits may not be counted as pensionable service under this Act unless the Board otherwise orders and then only upon such terms and conditions as the Board may direct.

(7) *Section 16 is amended by striking out the words "at a rate fixed by the Board" and by substituting the words "at the rate fixed pursuant to section 7".*

(8) *Section 17 is amended by striking out the word "Any" and by substituting the words "Subject to the provisions of sections 13, 14, 18 and 19, any".*

(9) *The following section is added after section 19:*

**19.1** Notwithstanding section 19, no employee is entitled to receive a pension under this Act on account of an illness or a disability during the time he is entitled to receive or is receiving benefits under a disability plan.

(10) *Section 20 is amended by striking out subsection (2) and by substituting the following:*

- (2) Where an employee elects to receive a normal pension
- (a) that pension shall be payable to him for his life, and
  - (b) if he dies after retirement and there is a surviving spouse whom he married at least five years prior to his death, the pension shall be payable to that spouse for life in an amount equal to 75 per cent of the normal pension that was payable to him.



**(7) Section 16 presently reads:**

16. Where an employee has resigned or has been dismissed at any time during his service and has thereafter been re-employed by the Government, his service prior to his resignation or dismissal shall be deemed to be pensionable service if there is paid into the Fund in such manner and on such terms as the Board may direct any sum paid to the employee at the time of his resignation or dismissal, together with interest thereon at a rate fixed by the Board, from the date a refund of contributions was made to the date of completion of such payment in full.

**(8) Section 17 presently reads:**

17. Any employee who retires pursuant to section 9 or 10 and whose pensionable service has not been less than five years is entitled upon his retirement to receive from the Fund in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

**(9) To provide integration with long term disability income continuance plan.**

**(10) This amendment restructures subsection (2) for the purposes of section 21 which refers to it. Section 20, subsection (2) presently reads:**

(2) The normal pension of an employee shall be payable to him for his life and, if he dies after retirement and there is a surviving spouse whom he married at least five years prior to his death, the pension shall then be payable to that spouse for life in an amount equal to 75 per cent of the normal pension that was payable to him.

*(11) Section 21 is amended*

- (a) by adding after the words "section 20," the words "subsection (2), clause (a)," and*
- (b) by striking out clause (a).*

*(12) Section 22 is amended*

- (a) by renumbering the section as subsection (1), and*
- (b) by adding the following subsection after renumbered subsection (1):*

(2) Where a former employee dies or has elected to take an early retirement and has not made a selection from the pension options available to him, the Board shall in its discretion select a normal pension or one of the alternative pensions or payment referred to in section 21.

*(13) Section 29 is amended*

- (a) as to subsection (3) by adding at the end of the subsection the words "but that sum shall not exceed an amount that is equal to the accumulated contributions that were paid at the rate prescribed by section 5 together with interest",*

- (b) by adding the following subsection after subsection (3):*

(3.1) Notwithstanding subsection (3), no payment to a beneficiary pursuant to that subsection shall be in an amount greater than the share which is otherwise payable to that beneficiary.

- (c) by striking out subsection (5) and by substituting the following:*

(5) Where a surviving spouse elects to be paid a pension pursuant to subsection (4) and the deceased employee had accumulated other service that could be recognized as pensionable service under this Act if contributions had been paid, the surviving spouse may be permitted to make the payment of contributions in respect of the service in order that an increased pension may be granted.

(11) Removes reference to life pension as that is a normal pension under the Act. Section 21 presently reads:

21. The alternative pensions referred to in this Act shall be of an actuarial value equivalent in each case to that of the normal pension provided for by section 20, and the alternative pensions shall be of the following types:

- (a) a pension payable for the life of the employee and ceasing on his death;
- (b) a pension payable for the life of the employee or a term of years certain, whichever is the longer;
- (c) a pension paid during the joint lives of the employee and a nominee designated by him which, after the death of either, shall continue to be paid in the same amount or in an amount of two-thirds or one-half thereof, to the survivor for his life;
- (d) such other form of pension or payment as may, upon application of the employee and with the consent of the Board, be deemed best suited to the employee's circumstances upon his retirement.

(12) Section 22 presently reads:

22. The Board, before an employee attains the age of 65 years, shall notify him in writing as to the normal and alternative pensions from which the employee may make a selection, and if the employee does not select an alternative pension prior to his attaining the age of 65 years, the Board may, in its discretion, select for him a normal pension or one of the alternative pensions referred to in section 21.

(13) To clarify the operation of subsection (3) and to reword subsection (5) to broaden its effect. Section 29, subsections (3), (4) and (5) presently read:

(3) Where the beneficiary of a deceased employee, or of a deceased employee who had elected to receive a deferred pension, is

- (a) his surviving spouse, or
- (b) a dependent child under the age of 18 years,

the beneficiary is also entitled to receive a further sum equal to the amount standing to the credit of the account of the deceased.

(4) Where the pensionable service of an employee, or an employee who had elected to receive a deferred pension, at the date of his death has not been less than five years, and where the beneficiary is his surviving spouse, the beneficiary may elect to be paid in lieu of the payments under subsections (1) and (3)

- (a) a pension of the same amount as would have been payable if the employee immediately before his death had retired under the provisions of section 12 and had been entitled to exercise and had exercised the option given under section 21 of receiving a pension payable during the joint lives of himself and his spouse and during the life of the survivor in the same amount, or
- (b) a pension payable for life or for a term of years certain, whichever is the longer, that is an actuarial value equivalent to that of the pension provided for under clause (a).

(5) Where a surviving spouse elects to be paid a pension pursuant to subsection (4) and the employee before his death had been making payments or had made arrangements to make payments in respect of his prior service, the surviving spouse may be permitted to make the payments in respect of that service in order that an increased pension may be granted.

(14) *Section 33 is amended*

- (a) *as to subsection (1) by striking out clause (d),*
- (b) *as to subsection (2) by striking out clauses (b) and (c) and by substituting the following:*
  - (b) *fixing the rate of interest to be charged where there is undue delay in remitting contributions to the Board pursuant to section 6;*
- (c) *by striking out subsection (3), and*
- (d) *as to subsection (5) by striking out the words "rate of".*

(15) *Section 35 is amended as to clause (b) by adding after the words "group of persons" the words "employed by a public body" and by adding at the end of the section the words "and such order may be effective as of a date prior thereto".*

#### **The Public Service Pension Act**

3. (1) *The Public Service Pension Act is amended by this section.*

(2) *Section 2 is amended*

- (a) *by adding the following clause after clause (a):*
  - (a.1) *"disability plan" means a long term disability income continuance plan, approved by the Board, under which an employee who, as a result of illness or other disability rendering him unable to perform his regular duties, is entitled to be paid a percentage of his salary in accordance with that plan;*
- (b) *as to clause (b)*
  - (i) *by striking out subclause (ii),*
  - (ii) *as to subclause (iii) by adding after the word "seasonal" the words "or part-time",*
  - (iii) *by adding the word "and" at the end of subclause (iii) and by adding the following subclause after subclause (iii):*
    - (iv) *any person on authorized leave of absence with or without pay or any person who is receiving benefits under a disability plan,*

(14) Section 33, subsection (1), clause (d), subsection (2), clauses (b) and (c) and subsections (3) and (5) presently read:

33. (1) The Board may
- (d) exempt any employee or class of employees from the regulations or any part thereof.
- (2) The Board may make regulations
- (b) fixing the rate of interest to be credited to the employee's account pursuant to section 7;
  - (c) fixing the rate of interest for the purposes of section 16;
- (3) Regulations under subsection (2) may be made effective as of a date prior to the date upon which they were filed under The Regulations Act.
- (5) In any case where an employee's pensionable service includes less than five years of employment with the Government or a body that is a party to a reciprocal agreement, the Board shall determine his pensionable salary as being his average rate of salary for the five consecutive years of his service during which his salary was the highest except that, with respect to any period of employment with an employer other than the Government or a body with whom there is a reciprocal agreement,
- (a) the Board may prescribe that only part of his salary earned during that period shall be taken into account for that purpose, and
  - (b) the Board shall not take into account any non-cash employment benefits conferred on him during that period.

(15) To clarify that the section is restricted to employees of public bodies and to permit retroactive inclusion in the plan. Section 35 presently reads:

35. Subject to such modifications and exceptions and upon such terms and conditions as he may prescribe, the Lieutenant Governor in Council on the recommendation of the Minister may order that this Act applies to
- (a) the members of any Government body, board or commission or employees of a Government body, board or commission holding positions that are designated as management positions by the Minister, or
  - (b) any group of persons, if the nature and terms of their employment permit the convenient application of this Act to them.

3. (1) This section will amend chapter 299 of the Revised Statutes of Alberta 1970.

(2) Permits recognition of part-time service, provides integration with disability income continuance plan and amends the definition of employee to include all women.

Section 2, clauses (b) and (e) presently read:

2. In this Act,
- (b) "employee" means
    - (i) any person employed on a full time continuous basis for a minimum average of 30 hours per week throughout each year by the Government or the Legislative Assembly, and
    - (ii) any married woman employed on a full time continuous basis for a minimum average of 30 hours per week throughout each year by the Government or the Legislative Assembly who has applied within the period designated by the Board to be included in the operation of this Act, and
  - (iii) any person employed each year by the Government on a seasonal basis and included in the operation of this Act by order of the Board,  
who was less than 60 years of age at the commencement of his service;
  - (e) "service" means any period or periods during which a person is or has been employed prior to the age of 65 years by the Government or the Legislative Assembly or any body which is a party to a reciprocal agreement pursuant to section 35 or by any public body approved by the Board and includes any period of
    - (i) service in the Canadian or allied forces, or in a merchant navy serving the Canadian or allied cause, during World War II or the Korean War,
    - (ii) authorized leave of absence with or without pay subject to the conditions prescribed by the Board,
    - (iii) service as a member of the Legislative Assembly or Executive Council, and
    - (iv) service as a member of the Parliament of Canada;

- (c) *as to clause (e) by striking out the word “and” at the end of subclause (iii), by adding the word “, and” at the end of subclause (iv) and by adding the following subclause after subclause (iv):*
- (v) *the time during which an employee is receiving benefits under a disability plan.*

*(3) Section 5 is amended*

- (a) *as to subsection (2)*
  - (i) *in clause (c) by adding at the end thereof the word “, or”,*
  - (ii) *by adding the following clause after clause (c):*
    - (c.1) *by an employee who is receiving benefits under a disability plan unless otherwise ordered by the Board, or*
  - (iii) *by striking out clause (d),*
- (b) *by adding the following subsection after subsection (2):*
  - (3) *Notwithstanding subsection (2), clause (c1), contributions shall be made in accordance with subsection (1) where payments received under the disability plan together with any payments under a rehabilitation program are equal to or exceed the salary received by that employee immediately prior to his illness or other disability.*

*(4) Section 7 is amended*

- (a) *as to subsection (1) by striking out the words “the Board may” and by substituting the words “the Lieutenant Governor in Council may”,*
- (b) *as to subsection (2) by striking out clause (c) and by substituting the following:*
  - (c) *the date when payment is made in full to a beneficiary pursuant to section 28.*

*(5) Section 13 is amended as to subsection (1)*

- (a) *by adding after the words “this Act” the words “or The Public Service Management Pension Act”, and*
- (b) *by striking out the words “pursuant to section 16”.*

(3) Permits integration with disability income continuance plan and reflects inclusion of all women employees under the Act. Section 5 presently reads:

5. (1) Subject to the other provisions of this Act, every employee shall make contributions at the rate of 5 per cent of his salary to the General Revenue Fund to be accounted for as part of the General Revenue Fund.

(2) No contributions may be made under subsection (1)

- (a) by an employee who has attained the age of 60 years prior to the commencement of his service, or
- (b) after the employee has attained the age of 65 years, or
- (c) after the employee has made contributions for a total period of 35 years.
- (d) by a married woman unless she applies to do so within the period designated by the Board.

(4) Interest to be set by the Lieutenant Governor in Council. Extension of period in respect of which interest is paid. Section 7 presently reads:

7. (1) Interest at the rate of 4 per cent per annum, or at such other rate as the Board may from time to time fix,

- (a) shall be credited by the Board to each employee's account on the last day of June and December in each year, and
- (b) shall be computed on the amounts standing to the credit of the accounts on the next preceding first day of January and July respectively.

(2) The interest shall continue to be credited to an employee's or former employee's account until the end of the calendar month immediately preceding

- (a) the date when payment is made in full to the employee pursuant to section 25, or
- (b) the date the former employee becomes entitled to deferred pension payments pursuant to section 26, or
- (c) the date of death of an employee whose beneficiary is entitled to benefits pursuant to section 28.

(5) Section 13, subsection (1) presently reads:

13. (1) Notwithstanding section 12, where a person has retired on pension under this Act before the retirement age of 65 and is re-employed by the Government or the Legislative Assembly, if he is eligible to make further contributions pursuant to section 5, the payment of any pension received by him pursuant to section 16, in respect of his prior service, shall be suspended until he again ceases to be employed.

*(6) Section 14 is amended*

*(a) as to subsection (1)*

- (i) in clause (f) by adding after the words "periods of his employment" the words "with the Government",*
- (ii) by striking out the word "and" at the end of clause (k) and by adding the word ", and" at the end of clause (l) and by adding the following clause after clause (l):*
  - (m) any period of service during which a person received benefits under a disability plan, if, in the case of persons brought under the operation of this Act by section 36 or 37, payment is made into the General Revenue Fund at the rate and upon the terms set by the Board, of contributions together with interest at the rate prescribed by the Board that would have accumulated thereon, had an account been maintained in respect of him, to the date of completion of payment in full.*

*(b) by striking out subsection (7) and by substituting the following subsections:*

*(7) Notwithstanding subsection (1), any period of service that is recognized for pension purposes under any other pension plan in respect of which an employee is entitled to receive or is receiving pension benefits may not be counted as pensionable service under this Act unless the Board otherwise orders and then only upon such terms and conditions as the Board may direct.*

*(8) Notwithstanding subsection (1), clause (f), in the case of a married woman employee who commenced service prior to July 1, 1976, any service during which she was not a contributor under this Act shall be deemed to be pensionable service if payment is made into the General Revenue Fund, at the rate and on the terms that the Board directs, of contributions on the salary paid to her during that service together with interest that would have accumulated thereon, had an account been maintained in respect of her, to the date of completion of payment in full.*

*(7) Section 16 is amended by adding after the words "Subject to the provisions of sections" the figures "12, 13,".*



(6) Clarifies service to be included, permits integration with disability income continuance plan and provides for past service contributions in respect of married women who did not participate under the Act.

14. (1) For the purposes of this Act, pensionable service shall be deemed to include

(f) in the case of a person

(i) who during a period or periods of his employment was not eligible to become a contributor under this Act, and

(ii) who has since become a contributor under this Act, the period or periods of his employment prior to the date when he became a contributor, if he pays into the General Revenue Fund in such manner and upon such terms as the Board may direct an amount equal to the contributions he would have made had he then been a contributor, together with interest that would have accumulated thereon to the date of completion of payment in full,

(7) Notwithstanding subsection (1), any period of service that is recognized for pension purposes under any other pension plan may not be counted as pensionable service unless the Board otherwise orders and then only upon such terms and conditions as the Board may direct.

[Eff. April 1/73]

(7) Section 16 presently reads:

16. Subject to the provisions of sections 17 and 18, any employee who retires pursuant to section 9, 10 or 11 and whose pensionable service has not been less than five years is entitled upon his retirement to receive from the General Revenue Fund in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

(8) *The following section is added after section 17:*

**17.1** Notwithstanding section 16, no employee shall be entitled to receive a pension payment under this Act where he is entitled to receive or is receiving benefits under a disability plan.

(9) *Section 22 is amended*

- (a) *by renumbering the section as subsection (1),*
- (b) *by adding the following subsection after renumbered subsection (1):*

(2) Where a former employee dies or has elected to take early retirement and has not made a selection from the pension options available to him, the Board shall in its discretion select a normal pension or one of the alternative pensions or the payment referred to in section 21.

(10) *Section 26, subsection (4) is amended as to clause (b) by adding at the end thereof the words "upon the approval of the Board."*

(11) *Section 28 is amended by striking out subsection (3) and by substituting the following subsections:*

(3) Where the beneficiary of a deceased employee, or a deceased former employee who had elected to receive a deferred pension, is

(a) the surviving spouse of that employee or former employee, or

(b) a dependent child under the age of 18 years, the beneficiary is also entitled to receive a further sum equal to the amount standing to the credit of the account of the deceased, but that sum shall not exceed an amount that is equal to the accumulated contributions that were made at the rates prescribed pursuant to sections 5 and 40 and interest.

(3.1) Notwithstanding subsection (3), no payment to a beneficiary pursuant to that subsection shall be in an amount greater than the share which is otherwise payable to that beneficiary.

(8) To integrate pension payments with the disability income continuance plan.

(9) Section 22 presently reads:

22. The Board, not less than 90 days before an employee attains the age of 65 years, shall notify him in writing as to the normal and alternative pensions from which the employee may make a selection, and if the employee does not select an alternative pension prior to his attaining the age of 65 years, the Board may, in its discretion, select for him a normal pension or one of the alternative pensions referred to in section 21.

(10) Section 26, subsection (4) presently reads:

- (4) Where an employee is otherwise discharged or resigns, he is entitled to receive at his option
- (a) the amount standing to his credit in the records of the Board as provided by section 25, or
  - (b) a deferred pension, as provided in this section, at the age of 65 years but may be granted a pension at any time after he attains the age of 60 years.

(11) To clarify the operation of subsection (3). Section 28, subsection (3) presently reads:

- (3) Where the beneficiary of a deceased employee, or a deceased former employee who had elected to receive a deferred pension, is
- (a) the surviving spouse of that employee or former employee, or
  - (b) a dependent child under the age of 18 years, the beneficiary is also entitled to receive a further sum equal to the amount standing to the credit of the account of the deceased, but that sum shall not exceed an amount that is equal to the accumulated contributions that were made at the rates set pursuant to sections 5 and 40 and interest.

*(12) Section 34 is amended*

- (a) as to clause (d), subclause (ii) by striking out the word "credited" and by substituting the word "charged",*
- (b) by striking out clauses (e) and (f).*

*(13) Section 37 is amended as to clause (d) by adding after the words "group of persons" the words "employed by a public body".*

*(14) The following section is added after section 40:*

**41.** Notwithstanding any other provision of this Act, where a married woman

- (a) commenced her employment with the Government, the Legislative Assembly or any body brought under the operation of this Act pursuant to section 36 or 37, prior to July 1, 1976, and*
- (b) did not apply before that date to be included in the operation of this Act,*

she shall not be included in the operation of this Act unless she makes application to the Board to be so included.

*(15) The Public Service Pension Amendment Act, 1973 is amended by striking out section 2, clause (a), subclauses (i) and (ii), section 5, clause (b), section 9, clause (d), sections 16 and 19 and section 22, subsection (1).*

*4. (1) This Act, except section 3, subsection (2), clause (a), subclause (i) and subsection (3), clause (a), subclause (iii), comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after April 1, 1976.*

*(2) Section 3, subsection (2), clause (a), subclause (i) and subsection (3), clause (a), subclause (iii) come into force on July 1, 1976.*

(12) Section 34, clauses (d), (e) and (f) presently read:

34. The Board may

- (d) make regulations, consistent with the provisions of this Act, for
  - (i) the method of payment of pensions,
  - (ii) the rate of interest to be credited on contributions,
  - (iii) the application of this Act in cases not specifically or expressly provided for in the Act, and
  - (iv) any other matters or things convenient or useful in the carrying out of the provisions of this Act,
- (e) exempt any employer, employee or class of employees from the regulations or any part thereof, and
- (f) make regulations that are effective with reference to a period before they were filed and published under The Regulations Act.

(13) Section 37, clause (d) presently reads:

37. Subject to such modifications and exceptions and upon such terms and conditions as may be ordered by the Lieutenant Governor in Council, the provisions of this Act may be applied to

- (d) any other class or group of persons if the nature and terms of their employment are such as to permit the convenient application of this Act to them.

(14) Effective July 1, 1976 all married women commencing employment will be included under the Act. However, married women employed before that time who did not participate may continue to be non-participants or apply to come under the Act.

(15) Consequential. These provisions were to come into force on Proclamation but never have been Proclaimed.