

1978 BILL 36

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THE LEGISLATIVE ASSEMBLY OF ~~ALBERTA~~

BILL 36

THE UNIVERSITIES ACADEMIC PENSION ACT

THE PROVINCIAL TREASURER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE UNIVERSITIES ACADEMIC PENSION ACT

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BILL 36

1978

THE UNIVERSITIES ACADEMIC PENSION ACT

(Assented to , 1978)

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

1 In this Act,

(a) "Board" means the Universities Academic Pension Board established under this Act;

(b) "disability plan" means a long term disability income continuance plan made by a University and approved by the Board, under which a member 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;

(c) "Fund" means the General Revenue Fund;

(d) "Lethbridge Plan" means

(i) The University of Lethbridge Academic Staff Pension Plan in effect from July 1, 1967 to the coming into force of this Act, respecting academic staff members of The University of Lethbridge, and

(ii) with respect to academic staff members who transferred from the academic staff of the Lethbridge Community College to the academic staff of The University of Lethbridge on July 1, 1967, the pension plan in effect at the Lethbridge Community College prior to July 1, 1967;

(e) "member" means

(i) a member of the full-time academic staff of a University including the President of a University and any other person or member of a class of persons employed on a full-time or part-time basis, if that person or class is designated by the Board upon the recommendation of a University and if the person or member of that class

Explanatory Notes

1 Definitions.

(A) is regularly in the employ of a University on a continuous salary basis, and

(B) was less than 60 years of age when commencing service,

but does not include a member of the staff of a University participating in a pension plan under *The Teachers' Retirement Fund Act* or *The Public Service Pension Act*, unless that member applies to the Board to be included in the operation of this Act,

(ii) a full-time academic staff member of a University who would normally be included under subclause (i) but who is

(A) on authorized leave of absence, with or without pay, or

(B) receiving benefits under a disability plan,

and

(iii) a former full-time academic staff member of a University who has left his contributions on deposit in the Fund;

(f) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

(g) "normal retirement date" means

(i) June 30 immediately following attainment of the age of 65 years for members whose appointment date is July 1, 1966 or later, or

(ii) August 31 immediately following attainment of the age of 65 years for members whose appointment date is prior to July 1, 1966;

(h) "pensionable salary" means

(i) in the case of a member whose service includes at least 5 years of service with a University, the average annual salary of that member for the 5 consecutive years of service during which his salary was the highest, or

(ii) in the case of any other member, his pensionable salary as determined by the Board pursuant to section 29;

(i) "pensionable service" means any service taken into account in computing a pension payable under this Act;

(j) "reciprocal agreement" means an agreement made pursuant to section 31;

(k) "Retirement System" means the retirement system of The University of Alberta in effect at The University of Alberta prior to the adoption of the University of Alberta Plan on August 1, 1964;

(l) "salary" means the gross rate of a member's ordinary salary, including cost of living bonuses, but does not include money paid in addition to ordinary salary such as money paid for sundry allowances, honoraria or fees or paid in lieu of holidays, unless the additional money is specifically included by a direction of the Board made upon the recommendation of the University employing the member;

(m) "service" means any period or periods, prior to the normal retirement date, during which a person is or was a member or is or was employed

(i) 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) in peacetime military service in the Canadian Forces,

(iii) by a body with whom there is a reciprocal agreement,

(iv) by a public body in Canada,

(v) in the field of teaching or research at any college or university,

(vi) as a teacher in Canada, or

(vii) by a body approved by the Board;

(n) "spouse", with reference to a deceased member, means

(i) a person who was dependent upon, and legally married to, the member at the member's date of death, or

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

(A) cohabited with the member

(I) for the 5-year period immediately preceding the member's death, or

(II) for the 2-year period immediately preceding the member's death where there is a child born to that person and the deceased member, and

(B) was dependent upon the member at the member's date of death and was known in the community in which they lived as a consort of the deceased,

or

(iii) if there is no person to whom subclause (i) or (ii) applies, a person who was legally married to the member at the member's date of death, or

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

(A) cohabited with the member

(I) for the 5-year period immediately preceding the member's death, or

(II) for the 2-year period immediately preceding the member's death where there is a child born to that person and the deceased member, and

(B) was known in the community in which they lived as a consort of the deceased;

(o) "University" means any board, interim governing body or governing authority of a university under *The Universities Act* and The Governors of the Banff Centre for Continuing Education;

(p) "University of Alberta Plan" means the Academic Pension Plan of The University of Alberta in effect from August 1, 1964 to the coming into force of this Act respecting academic staff members of The University of Alberta, The University of Calgary and The Banff Centre for Continuing Education.

2(1) There shall be a board called the Universities Academic Pension Board consisting of

(a) the chief executive officer of the Public Service Pension Administration, who shall be chairman of the Board,

(b) not less than 4 and not more than 10 other members appointed by the Lieutenant Governor in Council so as to provide equal representation from the governors of the

2 Universities Academic Pension Board.

Universities and the academic staff associations of the University, and

(c) one or more persons appointed by the Lieutenant Governor in Council who shall represent the Government of Alberta.

(2) One member appointed under subsection (1)(b) or (c) shall be designated as vice-chairman of the Board by the Lieutenant Governor in Council.

(3) The vice-chairman shall act as chairman in the event of the absence or inability to act of the chairman or if the office of the chairman is vacant.

3 The Public Service Pension Administration may, in accordance with *The Public Service Act*, employ those persons required to carry out the business of the Board.

Contributions

4(1) Subject to this Act, every member shall make contributions at the rate of 6% of his salary to the Fund, but in no case shall the contributions be made

(a) if the member has attained the age of 60 years prior to the commencement of his service,

(b) in respect of service rendered after the normal retirement date,

(c) after the member has made contributions for a total period of 35 years, or

(d) in respect of any period of leave of absence without pay.

(2) Notwithstanding subsection (1), a member may, at his option, discontinue contributions to the Fund for any period of leave during which he will receive a salary that is less than full salary.

5(1) The contributions referred to in section 4 shall be deducted from each payment of salary to the member and shall be remitted, together with the University contributions referred to in section 6, to the Board each month.

(2) The Board shall deposit the contributions referred to in sections 4 and 6 in the Fund and shall keep a separate account of the contributions so deposited on behalf of each member.

3 Personnel.

4 Contributions by members.

5 Deduction of member's contributions.

6(1) A University shall make contributions in relation to the contributions made by members, together with interest where applicable, to the Fund from its general revenue or from its special funds

(a) at the rate of 7% of the member's salary, with respect to contributions made by the member under section 4 or 12, or

(b) at the rates and upon any terms that the Board directs, with respect to contributions made by the member under section 13 or 38 in respect of any period of service in the Canadian or Allied Forces during World War II that was immediately preceded by a period of service with the University.

(2) The contributions referred to in subsection (1) shall be made by the University with which the member served during the period with respect to which the member's contributions are made.

(3) Nothing in this section shall be construed so as to prevent the University from entering into an agreement with a person whereby the contributions required to be made by the University under subsection (1) are paid by that person on behalf of the University.

7(1) Interest at a rate fixed from time to time by the Lieutenant Governor in Council, not being less than 4% a year,

(a) shall be credited by the Board to each member's account on the last days 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 days of January and July respectively.

(2) Interest shall continue to be credited to each member's account until the end of the calendar month immediately preceding

(a) the date when payment is made in full pursuant to section 23 or 24, or

(b) the date the member becomes entitled to deferred pension payments pursuant to section 23.

8(1) The Provincial Treasurer shall pay out of the Fund sufficient money to provide for the payment of all benefits payable under this Act.

6 Contributions by Universities.

7 Interest.

8 Financing of payments.

(2) The payment of all benefits payable under this Act is guaranteed by the Government of Alberta.

Retirement

9 Subject to this Act, every member shall retire from the service of the University on the normal retirement date for that person.

10 A member whose pensionable service is not less than 10 years may retire at any time after he has attained the age of 55 years and before his normal retirement date.

11(1) The Board may authorize the retirement at any age of a member whose pensionable service is not less than 10 years and who has become incapable of effectively performing his regular duties by reason of mental or physical disability.

(2) In order to determine whether a member is incapable of effectively performing his regular duties by reason of mental or physical disability, the Board may require the member to be examined by a physician, who shall submit a report to the Board with respect to his examination and findings.

(3) Notwithstanding subsection (1), no member is entitled to receive both a pension under this Act and benefits under a disability plan in respect of the same period of time.

12(1) Notwithstanding section 9, a person entitled to a pension under this Act may be re-employed by a University or any other employer on any basis after the normal retirement date without loss of entitlement to pension payments.

(2) A person receiving a pension under this Act before the normal retirement date may be re-employed by a University on a basis of half time or less or on any other basis that is approved by the Board or be employed by any other employer, without cessation of pension payments.

(3) If a person receiving a pension under this Act before his normal retirement date is re-employed by the University other than as provided by subsection (2), the payment of his pension shall be suspended until

(a) the normal retirement date, or

(b) the date he again ceases to be so employed by the University,

9 Normal retirement.

10 Early retirement.

11 Early retirement for health reasons.

12 Effect of employment or re-employment.

whichever is sooner.

(4) A person receiving a pension under this Act before his normal retirement date who is re-employed as a member and whose pension is suspended as provided by subsection (3) shall make contributions as required by section 4 in respect of his further service, and upon retirement is entitled to receive an additional pension in an amount calculated on the basis of his further period of service.

(5) If a person who is re-employed as a member elects to pay back the amount he had been paid while in receipt of a pension, together with interest on that amount from the date when he became re-employed to the date of completion of the payment in full, then his pensionable service prior to re-employment and his subsequent service shall be taken into account in calculating his pension upon retirement.

Pensionable Service

13(1) For the purposes of this Act, pensionable service includes

(a) a period of service as defined in section 1(m) with respect to which contributions have been made in accordance with sections 4 and 6,

(b) a period of authorized leave of absence with or without pay approved by the Board if payment of contributions and interest have been made in respect of the period or periods in the amount prescribed by the Board,

(c) a period included under section 34,

(d) a period of service during which a member received benefits from a disability plan,

(e) a period of service recognized as pensionable service under the terms of a reciprocal agreement entered into pursuant to section 31,

(f) subject to section 38, a period of service if it is approved by the Board and is not otherwise included as pensionable service under this section and in respect of which there is paid into the Fund, at the rate and upon the terms that the Board directs, contributions on the salary paid to the member by the University at the time the Board receives a written request from the member respecting the amount required to effect payment with respect to that service, calculated as if that salary were actually paid to him during the service, together with interest at a rate prescribed by the Board and payable until the date of payment in full, and

13 Pensionable service.

(g) a period of service with the University where a member was not a contributor under the University of Alberta Plan, Retirement System or Lethbridge Plan, if there is paid into the Fund at the rate and on the terms the Board directs, contributions on the salary paid by him during that service by the University, together with interest at a rate prescribed by the Board to the date of completion of payment in full.

(2) Notwithstanding subsection (1), pensionable service is limited to 35 years of service.

(3) Notwithstanding subsection (1), a period of service that is recognized for pension purposes by any other pension plan under which a member 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 any terms and conditions that the Board may direct.

14 If the service of a member has terminated and his contributions have been withdrawn, and he is thereafter employed as a member by the University, his service that had been established as pensionable service prior to the termination shall again be included as pensionable service if he pays into the Fund in the manner and on the terms that the Board may direct, any sum paid as a refund or transfer of contributions to the member under this Act or the University of Alberta Plan together with interest from the date that the sum was refunded or transferred to the date of completion of the payment in full.

Pension and Other Benefits

15 Subject to sections 12 and 35, a member who

(a) retires pursuant to section 9 and whose pensionable service is not less than 5 years, or

(b) retires pursuant to section 10 and whose pensionable service is not less than 10 years

is entitled upon his retirement to receive from the Fund in monthly payments a normal pension referred to in section 17 or, at his option, an alternative pension of one of the types referred to in section 18.

16(1) If a retirement is authorized under section 11

(a) the Board may grant the member a pension in an amount determined in accordance with section 17, or

(b) where the disability does not totally disable the member from engaging in some gainful employment, the Board may

14 Prior service.

15 Entitlement to pension.

16 Determination of early disability pension.

grant the member a pension that is the actuarial equivalent at his age of retirement of the normal pension that would have been payable to him if his age was then 55, as determined by the actuarial tables approved by the Board for that purpose.

(2) The Board may

(a) if it is satisfied that a person who has been granted a partial disability pension pursuant to this section has as a result of the disability from which he was suffering at the date of his retirement become totally disabled before attaining the age of 55, and

(b) upon application of that person made before he attains the age of 55,

grant him a pension as specified in section 17 or 18.

(3) If a person has been granted a total disability pension in an amount determined under section 17 or, at his option, an alternative pension of one of the types specified in section 18, the Board may from time to time require the person to submit medical evidence of his continuing total disability and if at any time prior to his attaining the age of 55 years the Board finds that he is no longer wholly incapable of engaging in some gainful employment, his pension may be actuarially reduced as provided by subsection (1).

17(1) Subject to section 35, the normal pension payable to a member upon his retirement shall be an annual amount equal to 2% of his pensionable salary multiplied by the lesser of

(a) the total number of years of his pensionable service computed to the nearest complete month, and

(b) 35.

(2) The normal pension of a member shall be payable to him for his life or, if the member dies within a period of 15 years after his retirement, it shall be payable to the beneficiary designated by him for the remainder of that 15-year period.

18(1) 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 17.

(2) Alternative pensions shall be of the following types:

(a) a pension payable for the life of the member and ceasing at his death;

17 Payment of normal pension.

18 Alternative pensions.

(b) a pension payable for the life of the member or a term of years certain, whichever is the longer;

(c) a pension payable during the joint lives of the member and a nominee designated by him that, after the death of either, shall continue to be paid in the same amount or in an amount of $\frac{2}{3}$ or $\frac{1}{2}$ of it, to the survivor for his life;

(d) any other form of pension or payment that may, upon application of the member and with the consent of the Board, be considered best suited to the member's circumstances upon retirement.

19(1) Before a member's normal retirement date or within a reasonable time after the receipt of an application for early retirement or of notification of the death of a member whose spouse is entitled to a pension, the Board shall notify the member in writing or, in the event of the member's death, the deceased member's spouse, as to the choice of benefits that person is entitled to.

(2) If the person notified is required to make a choice and fails to make that choice within 3 months after being notified by the Board, the Board may select for that person a normal pension or one of the alternative pensions referred to in section 18.

20 All pensions shall be paid out of the Fund by the Provincial Treasurer upon the certificate of the Board.

21 If there is a delay beyond 30 days in processing the pension application of a person who is entitled to receive a pension under this Act, that person may be advanced money by the Provincial Treasurer out of a supply vote available for the purpose.

22(1) Notwithstanding anything in this Act, for the purpose of maintaining an approximate parity with the cost of living, the Lieutenant Governor in Council may by order authorize the Board from time to time to make specific or general adjustments in the amount of pensions payable, or in the amount of any class of pensions payable, effective from any time specified in the order.

(2) Nothing in subsection (1) empowers the Lieutenant Governor in Council to make specific or general adjustments in the amount of pensions payable, or in the amount of any class of pensions payable, that 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.

19 Choice of type of pension.

20 Payment of pensions from the Fund.

21 Pension advances.

22 Adjustment of amount of pension payable.

(3) In respect of a deferred pension that is payable under section 23, the adjustments apply from the year of termination of service but the adjustment in pension is payable from the date payment of the pension is made.

23(1) If the service of a member whose pensionable service is less than 10 years is terminated before that member becomes entitled to receive a pension under this Act, he may elect

(a) to be paid the amount of contributions made by him standing to his credit in the records of the Board, including the interest credited on those contributions, or

(b) to have the amount mentioned in clause (a) together with the contributions made by the University and standing to his credit in the records of the Board, including the interest credited thereon, transferred to a pension or retirement savings plan registered under the *Income Tax Act* (Canada) or any other fund or plan approved by the Board.

(2) If the service of a member whose pensionable service is not less than 10 years is terminated before that member becomes entitled to receive a pension under this Act, he may elect

(a) to receive the type of benefits specified in subsection (1), or

(b) to receive a deferred pension as provided in this section after he attains the age of 55 years.

(3) A deferred pension under this section shall, at the option of the member, be

(a) a normal pension as determined under section 17, or

(b) an alternative pension of any of the types specified in section 18.

(4) A person who has elected to receive a deferred pension under this section may at any time after that election, by written request, receive instead the payment specified in subsection (1), in which case his election to receive a deferred pension is void.

(5) Where a person is entitled to a deferred pension and becomes mentally or physically disabled for gainful employment, he may apply for an immediate pension in accordance with section 16.

24(1) If a member

23 Termination of service before pension entitlement.

24 Death of a member.

- (a) dies while in the employment of a University and prior to the commencement of his pension payments,
- (b) who would have been entitled to receive a deferred pension under section 23 dies prior to the commencement of the payment of his pension, or
- (c) whose service is terminated dies before he has made an election under section 23(1),

the amount of contributions of the member and the University standing to the credit of the member in the records of the Board, including the interest credited on those contributions, shall be paid to the beneficiary.

(2) The amount payable under subsection (1) may be paid in a lump sum or in such instalments as the Board may direct.

(3) If the pensionable service of a member who dies prior to the commencement of his pension or prior to withdrawal of his contributions, is at the date of his death not less than 10 years, and if the member's beneficiary is the spouse, the spouse may elect to be paid in lieu of the payments under subsection (1)

- (a) a pension of the same amount as would have been payable if the member immediately before his death had retired under the provisions of section 11 being entitled to exercise and having exercised the option given under section 18(2)(c) to receive 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).

(4) If a spouse elects to be paid a pension pursuant to subsection (3) and the deceased member had accumulated other service that could be recognized as pensionable service under this Act if contributions had been paid, the spouse may be permitted to make the payment of contributions in respect of that service in order that an increased pension may be granted.

25(1) A designation by a member of a person as his beneficiary under this Act, and a revocation of that designation, may be filed with the Board if made pursuant to section 44 of *The Trustee Act*.

(2) Notwithstanding anything in section 44 of *The Trustee Act*, if at the date of death of a member there is no subsisting designation filed with the Board or, after the date of death, there is filed with the Board a revocation of a designation previously filed with the Board and no further designation is substituted, then

25 Beneficiaries.

- (a) if the deceased member is survived by a spouse, that spouse is the beneficiary for the purposes of this Act, or
 - (b) if there is no spouse, the estate of the member is the beneficiary for the purposes of this Act.
- (3) If money is paid under this Act to either a spouse or the personal representative of an estate as a beneficiary pursuant to subsection (2),
- (a) the payment shall be validly made notwithstanding that
 - (i) a designation is filed with the Board after the payment was made, or
 - (ii) a designation that is subsequent to the revocation referred to in subsection (2) is filed with the Board after the payment was made,
 - and
 - (b) the beneficiary under the designation filed under clause (a) has no claim with respect to the money so paid.
- (4) Money paid to a designated beneficiary or spouse pursuant to this Act is not part of the estate of the deceased member and is not subject to the claims of his creditors.

General

- 26**(1) Before benefits are paid upon the retirement or death of the member there shall be delivered to the Board in respect of each member
- (a) a birth certificate setting out the date of the member's birth, or
 - (b) if a birth certificate cannot be obtained, a statutory declaration or any other proof of the member's age that the Board may require.
- (2) If the Board is satisfied, after making an inquiry, that proof of the age of a member has not been submitted to it in accordance with subsection (1), the Board may in its discretion
- (a) reduce the amount of the pension payable to the member, or
 - (b) direct the repayment to the member of any portion of the amount to that member's credit in the records of the Board that it may specify, and upon that payment being made to the member his right to any benefit under this Act

26 Proof of member's age.

ceases or shall be adjusted in accordance with the payment made to him.

27 If any question arises as to

- (a) whether any person is a member to whom this Act applies,
- (b) the amount of the salary or pensionable salary of a member,
- (c) the extent of the service or pensionable service of a member,
- (d) the amount of any pension or other benefits payable under this Act,

the Board shall determine the question and its decision is final.

28(1) The interest that by this Act a member has in the Fund or in a pension, payment or other benefit granted under this Act

- (a) is not subject to garnishment proceedings, attachment or seizure or any legal process, except in respect of a charge of failure to account for University or public money, and
- (b) is not assignable.

(2) Nothing in subsection (1) prevents a member

- (a) from authorizing the deduction from his pension payments of premiums under *The Health Insurance Premiums Act* or premiums for any type of health services insurance, or
- (b) from authorizing the payment, after his termination of service, of money payable to him under this Act directly over to another retirement pension plan in which the member becomes entitled to participate or to a retirement savings plan as provided by section 23(1).

(3) If, at the time of a member's retirement, termination of service or death, that member is liable to account for University or public money, the University may request the Board to deduct, and the Board may deduct, from his interest in the Fund or from a pension, payment or other benefit granted under this Act, the amount for which he is liable and to remit it to the University.

29(1) The Board may by order

27 Board's decision final.

28 Protection of pension benefits.

29 Powers of the Board.

(a) prescribe forms for its use in connection with the administration of this Act,

(b) direct the keeping of any accounts and records that it considers necessary for the proper administration of this Act, or

(c) upon the recommendation of the University, exempt any member or class of members from all or any of the provisions of this Act or the regulations.

(2) The Board may make regulations

(a) governing the method of payment of pensions;

(b) fixing the rate of interest to be charged where there is an undue delay in remitting contributions to the Board pursuant to section 5;

(c) fixing the rate of interest for the purposes of section 13(1)(f) and (g);

(d) governing advances on pension benefits;

(e) providing for the application of this Act in cases not specifically or expressly provided for in the Act.

(3) In any case where a member's service includes a period

(a) during which the contributions of the member were based on a salary other than the salary actually received by that member during the period, or

(b) during which the member received benefits under a disability plan,

the Board may make regulations prescribing the method for the determination of that member's salary for that period for the purposes of calculating his pensionable salary.

(4) The Board may investigate the experience under this Act with respect to interest, mortality, disability, withdrawals or retirement of members from service, and any other matters that the Lieutenant Governor in Council may designate.

(5) If a member's pensionable service includes less than 5 years of employment with a University, the Board shall determine his pensionable salary as being his average salary for the 5 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 a University, the Board may prescribe that only part of his salary earned during that period shall be taken into account for that purpose.

30 The Board shall, at least once every 3 years, forward to the Minister an estimate of the extent to which the contributions made under this Act and deposited in the Fund together with any interest earned are sufficient to meet the cost of benefits payable under this Act.

31(1) The Board may, subject to the approval of the Lieutenant Governor in Council, enter into a reciprocal agreement with any college or university, government or public body or any local authority as defined in *The Local Authorities Pension Act* or any private body whose employees are subject to a retirement pension plan or superannuation plan involving employee contributions, and with any person who administers the pension plan on its behalf, for the purpose of transferring any benefits

(a) to which a person who transfers from or to the employment of or service with the University to or from the employment of or service with that other college or university, government, public or private body, or local authority is entitled, or

(b) to which a teacher who transfers from or to the employment of the University or to or from the employment of an employer within the meaning of *The Teachers' Retirement Fund Act* is entitled,

and the agreement may be retroactive in effect.

(2) An agreement made under this section may provide

(a) in the case of the transfer of a person from the employment of the University, that

(i) the amount of the person's contributions and interest, and

(ii) the amount of the University's contributions and interest

standing to the credit of that person's account in the records of the Board at the time of transfer of the contributions be transferred from the Fund to the pension fund of the other party to the agreement,

(b) in the case of the transfer of a person to the employment of the University, that

(i) the amount of that person's contributions and interest, and

(ii) the amount of the employer's contributions and interest

30 Report to Minister.

31 Transfer of pension benefits.

standing to the credit of that person's account in the pension fund at the time of transfer of the contributions be transferred from the pension fund of the other party to the agreement to the Fund, and

(c) that the service or period of employment of the person prior to the transfer be recognized as pensionable service insofar as it may equitably be so recognized in conformity with the general intent of this Act or any other pension plan that applies to that person.

32(1) The Board shall, as soon as possible after the end of each fiscal year, prepare and submit to the Minister a report summarizing its transactions and affairs during that fiscal year.

(2) Upon receiving a report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if not, within 15 days after the commencement of its next sitting.

33 On and from July 1, 1978 no person to whom this Act applies is entitled to claim any rights or demand any benefits provided for either expressly or by implication under the University of Alberta Plan, the Retirement System or the Lethbridge Plan, except insofar as those rights or benefits are authorized or extended by this Act.

34(1) Any period established as pensionable service under the provisions of the University of Alberta Plan, the Retirement System or the Lethbridge Plan is pensionable service under this Act.

(2) Any pensionable service established prior to the coming into force of this Act under *The Public Service Pension Act* or *The Teachers' Retirement Fund Act* by a member who transfers to the application of this Act within a period prescribed by the Board, is pensionable service under this Act on the transfer of those contributions and any interest on them.

(3) With respect to any pensionable service referred to in subsections (1) and (2), no additional contributions shall be required of the member, the University or any previous employer, other than any that may be required under the former pension plan or Act.

(4) With respect to any pensionable service referred to in subsections (1) and (2), if the member had been making payments or had made arrangements to make payments to establish that service, no additional contributions shall be required of the member or the University beyond the amount necessary to complete the payments.

32 Annual report.

33 Application of predecessor plans.

34 Service under predecessor plans.

35(1) Notwithstanding section 13(3), if service was recognized for pension benefit purposes under the Retirement System or the Lethbridge Plan and that service is counted as pensionable service under this Act, the pension payable under this Act shall be reduced by the amount of any pension benefits payable under the Retirement System or the Lethbridge Plan, as determined by the Board.

(2) Any benefits arising from a waiver benefit under a disability plan, as determined by the Board, may be deducted from a pension payable under this Act.

36(1) Notwithstanding this Act, there may be paid into the Fund, with the agreement of the member, any refund from Canadian Government Annuities representing a portion of the joint contributions of the member and the University that were contributed to the Retirement System where the refund results from an overpayment made, arising inadvertently or as a result of change of maturity date, election of option, or similar circumstances, of the maximum annuity.

(2) Upon the payment into the Fund of a sum referred to in subsection (1)

(a) one-half shall be credited to the member's account under section 5, and

(b) one-half shall be credited as the contribution of the University under section 6.

(3) Where no payment has been made into the Fund pursuant to subsection (1), an adjustment determined by the Board may be made in the pension payable under this Act.

Transitional and Consequential

37 Any order or regulation made by the board of The University of Alberta or the trustees of the University of Alberta Plan under the provisions of the University of Alberta Plan shall, to the extent that it is applicable to and consistent with this Act, be deemed to be an order or regulation, as the case may be, under this Act until it is replaced by an order or regulation of the Board under section 29.

38 Notwithstanding section 13(1)(f), if members who are in the employ of a University on July 1, 1978 have made either payment in full or a pay assignment within 24 months from that date to cover any period or periods of service, the provisions of section 15(1) and (2) of *The Public Service Management Pension Act* as they stood immediately before January 1, 1978 apply to those members with all necessary modifications.

35 Reduction of pension benefits.

36 Payments from Canadian Government Annuities under the Retirement System.

37 Orders and regulations deemed to be under this Act.

38 Application of The Public Service Management Pension Act.

39(1) Pension payments being made under Part I or annuity payments being made under Parts II, III and V, of the Alberta Plan at the commencement of this Act shall be deemed to be pensions payable under this Act and shall be paid from that date forward by the Provincial Treasurer from the Fund in accordance with the terms of the type of pension or annuity chosen at the time the pension or annuity payments commenced under the University of Alberta plan.

(2) Any adjustments made to pensions payable under this Act in order to maintain an approximate parity with the cost of living shall be applicable to pensions or annuities payable under this section.

(3) Notwithstanding subsection (1), where a person

(a) retired under the provisions of the University of Alberta Plan or the Lethbridge Plan, *The Public Service Pension Act*, or *The Teachers' Retirement Fund Act* on any date between April 1, 1978 and July 1, 1978, and

(b) would have been a member under this Act if it had been in force on the date of his retirement,

that person shall, upon application to the Board, be deemed to come under the provisions of this Act as though it had been in force on the date of his retirement and shall be granted a pension under this Act in lieu of the pension provided by subsection (1), *The Public Service Pension Act* or *The Teachers' Retirement Fund Act* if the application is made within the period prescribed by the Board.

40 To the extent that they are not required by the trustees of the University of Alberta Plan to meet any liabilities of that Plan not being assumed by the Government on the commencement of this Act, title to the assets of the pension fund held by the trustees shall be transferred to the Fund.

41 This Act comes into force on July 1, 1978.

39 Existing pension payments.

40 Assets of the Alberta Plan.