



Province of Alberta

TEACHERS' PENSION PLANS ACT

Revised Statutes of Alberta 2000
Chapter T-1

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Teachers' Pension Plans Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Teachers' Pension Plans Act		
Teachers' Pension Plans (Legislative Provisions)	204/95	41/96, 99/2001, 251/2001, 101/2002, 84/2004, 20/2005, 25/2006, 30/2007, 17/2008, 21/2009, 345/2009, 164/2010, 31/2012, 170/2012, 154/2014, 210/2014, 188/2018, 81/2019, 160/2019
Teachers' and Private School Teachers' Pension Plans	203/95	120/96, 196/96, 96/97, 137/97, 255/97, 84/98, 270/98, 113/99, 267/99, 235/2000, 253/2000, 100/2001, 105/2001, 251/2001, 101/2002, 172/2002,

*116/2003, 266/2004,
196/2006, 313/2006,
101/2009, 216/2009,
65/2010, 126/2011,
159/2011, 76/2012,
58/2013, 154/2014,
197/2014, 90/2016,
137/2018, 188/2018,
8/2019, 73/2019,
81/2019, 160/2019*

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Chapter T-1

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

Interpretation

1(1) In this Act,

- (a) “Association” means The Alberta Teachers’ Association;
- (b) “Board” means the board continued by section 5(1) as the board of trustees for the Plans;
- (b.1) “contributions”, in addition to any definition of the term in the plan rules (notwithstanding the words “not defined in subsection (1)” in subsection (2)), does not include any payments by the Crown under section 19.1 or 19.2;
- (c) “Crown” means the Crown in right of Alberta;
- (c.1) “Education Minister” means the Minister responsible for the *Education Act*;
- (d) “employer-contributors” means,
 - (i) in respect of the post-1992 benefits, the Crown and any other bodies prescribed, and
 - (ii) in the case of the Private School Plan, the employers under that Plan;
- (d.1) “Finance Minister” means the Minister responsible for section 19.1(1);
- (e) “former Act” means the *Teachers’ Retirement Fund Act*, RSA 1980 cT-2, and includes the bylaws under that Act;
- (f) repealed 2009 c32 s2;
- (g) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (h) “Pension Fund” means
 - (i) the post-1992 fund,
 - (ii) the pre-1992 fund, or

- (iii) the Private School Fund,
- as the case may be, and “Pension Funds” means all of them;
- (i) “Plan” means the Principal Plan or the Private School Plan, as the case may be, and “Plans” means both of them;
- (j) “plan costs” means the costs and expenses described in section 19.3(a), (b) or (c) that relate to the Pension Fund or Plan in question;
- (k) “plan rules” means the plan provisions made pursuant to sections 14 and 16(2) and pursuant to regulations made under section 23(1)(m), including amendments, repeals or repeals and replacements of existing plan rules;
- (k.1) “post-1992 benefits” means all benefits under the Principal Plan that are not pre-1992 benefits and includes the portions of the Principal Plan that relate generally to those benefits;
- (k.2) “post-1992 fund” means the Teachers’ Pension Plan Fund as continued by section 3(1);
- (k.3) “pre-1992 benefits” means the benefits specified as saved by, and with cost-of-living adjustments continuing under, section 19, and includes the portions of the Principal Plan that relate generally to those benefits;
- (k.4) “pre-1992 fund” means the pension fund established by section 3(2);
- (l) “prescribed” means prescribed or otherwise provided for by the regulations;
- (m) “Principal Plan” means the Teachers’ Pension Plan continued by section 3(1) and contained partly in the applicable provisions of this Act and partly in that Plan’s plan rules, and includes the post-1992 fund and the pre-1992 fund;
- (m.1) “Private School Fund” means the Private School Teachers’ Pension Plan Fund continued by section 3(1);
- (n) “Private School Plan” means the Private School Teachers’ Pension Plan continued by section 3(1) and contained partly in the applicable provisions of this Act and partly in that Plan’s plan rules, and includes the Private School Fund;
- (o) “regulations” does not include the plan rules;

- (p) “solvency deficiencies” means solvency deficiencies determined in accordance with the regulations;
- (q) “tax rules” means those provisions of the *Income Tax Act* (Canada) and of the regulations under it that apply to pension plans registered or to be registered under that Act and includes any approval, certification or other permission or any direction or order from the federal Minister of National Revenue, the absence of which or failure to comply with which may make the Plan’s registration liable to revocation under that Act;
- (r) repealed 2009 c32 s2.

(2) Where a Plan’s plan rules define generally an expression used in this Act and not defined in subsection (1), that definition applies with respect to the interpretation of that expression as it relates to that Plan unless those plan rules otherwise provide.

RSA 2000 cT-1 s1;2009 c32 s2;2012 cE-0.3 s288;2012 cE-8.1 s160

Application

2(1) This Act binds the Crown.

(2) This Act operates notwithstanding anything to the contrary in the *Loan and Trust Corporations Act* except section 182 of that Act.

1995 cT-1.5 s2

Continuation of pension plans and funds and establishment of pre-1992 fund

3(1) The Teachers’ Pension Plan, the Private School Teachers’ Pension Plan and the Private School Teachers’ Pension Plan Fund are continued, and the Teachers’ Pension Plan Fund is continued as the pension fund only for the post-1992 benefits, under and subject to this Act, the regulations and the plan rules.

(2) There is hereby established a pension fund in the Principal Plan, to be known as the “Teachers’ Pension Plan Pre-1992 Fund”, for the purposes generally set out in section 19.1.

RSA 2000 cT-1 s3;2009 c32 s3

Income Tax Act registration

4 It is the intent of this Act that the Plans be and remain registered defined benefit pension plans under the tax rules.

1995 cT-1.5 s4

Continuation, name and composition of Board

5(1) The Board of Administrators continued by the former Act is continued as a board of trustees for the Plans under the official name “Teachers’ Pension Plans Board of Trustees”.

(2) The Board may also call itself and be known under the unofficial name "Alberta Teachers' Retirement Fund Board".

(3) The Board is to consist of the following persons appointed by the Lieutenant Governor in Council:

- (a) the prescribed number of persons nominated in writing by the Minister, and
- (b) the same number of persons nominated by the Association in written form submitted through the Minister.

(4) Notwithstanding subsection (3)(b), if the Association fails to submit a nomination within 90 days after the event necessitating the nomination and appointment, that nomination is to be made in writing by the Minister.

(5) On receiving any valid nomination made by the Association, the Minister shall forward it forthwith to the Lieutenant Governor in Council.

(6) Regulations for the purposes of subsection (3) that alter the size of the Board's membership may be made only at the written request of the Board following consultation by the Board with the Minister and the Association about the proposed regulations.

1995 cT-1.5 s5

Board as trustee, administrator and custodian

6 The Board is the trustee and administrator of the Plans and the custodian of the Pension Funds.

1995 cT-1.5 s6

Corporate status

7 The Board remains a corporation.

1995 cT-1.5 s7

Corporate incidents

8(1) Subject to this Act, the regulations, the plan rules and the tax rules, the Board

- (a) has the capacity, rights, powers and privileges of a natural person, and
- (b) has the capacity to carry on its business, conduct its affairs and exercise its powers in any jurisdiction outside Alberta to the extent that the laws of that jurisdiction permit.

(2) Subject to section 4 and the application of the tax rules, an act of the Board is not invalid by reason only that the act is contrary to this Act, the regulations or the plan rules or any resolution made by the Board.

(3) A person is not affected by or deemed to have notice or knowledge of the contents of a document concerning the Board by reason only that the document is available for inspection at an office of the Board.

(4) The Board or a person claiming through the Board may not assert against a person dealing with the Board or dealing with any person who has acquired rights from the Board that

(a) any resolution of the Board has not been complied with,

(b) a person held out by the Board as a member, officer or agent of the Board

(i) has not been duly appointed, or

(ii) has no authority to exercise a power or perform a duty that a member, officer or agent might reasonably be expected to exercise or perform,

or

(c) a document issued by a member, officer or agent of the Board with actual or usual authority to issue the document is not valid or not genuine,

except where that person has, or by virtue of the person's position with or relationship to the Board ought to have, knowledge of those facts at the relevant time.

1995 cT-1.5 s8

Review of Board decisions

9(1) If the Board wishes to establish a process for the review of certain decisions made by it or on its behalf in its capacity as the administrator of the Plans, the Board must establish, decide the composition of and appoint a committee to hear such reviews pursuant to this section.

(2) The Board may by resolution grant to the review committee the power to review those decisions referred to in subsection (1) that are specified in the resolution.

(3) The review committee may be divided into panels for the purpose of hearing reviews.

(4) If a review committee is established, the Board shall establish rules of procedure for the hearing of reviews under this section.

(5) The review committee or a panel, and each member of it while acting in the capacity as a member of it, is under the duty to apply procedural fairness in arriving at a decision.

1995 cT-1.5 s9

Committees and delegations

10(1) In addition to the review committee referred to in section 9, the Board may establish and appoint other committees of the Board.

(2) Subject to subsection (4), the Board may delegate and allow the further subdelegation of any of its powers, duties or functions under this Act, the regulations, the plan rules or the tax rules.

(3) A delegation under subsection (2) does not relieve the Board from any duty that it has under this Act, the regulations, the plan rules or the tax rules or from its overall responsibility for the management of its business and affairs or from its ultimate responsibility for the administration of the Plans.

(4) Subsection (2) does not apply to

- (a) the Board's power or duty to make plan rules,
- (b) the Board's power to make a request or recommendation under any provision of this Act or the regulations,
- (c) the Board's powers and duties under sections 9 and 13, or
- (d) any other power, duty or function that is prescribed.

1995 cT-1.5 s10

Duty of care of Board members and officers

11(1) Without limiting the application of any other applicable law, a member or officer of the Board, in exercising powers and performing duties as such a member or officer, shall

- (a) act honestly, in good faith and with a view to the best interests of the Board as a corporation and of the Plans as a whole,
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances, and
- (c) comply with resolutions of the Board.

(2) In considering whether a particular course of action is in the best interests of the Board and the Plans for the purposes of subsection (1)(a), a member or officer of the Board shall have due regard to the interests of all categories of members of the Plan affected and deal fairly with the interests of each Plan relative to the other Plan.

(3) Subsections (1) and (2) do not apply to the extent that any person is acting as a member of the review committee or as a member of a panel of that committee under section 9.

1995 cT-1.5 s11

Restrictions on business activities

12(1) The Board shall not directly or indirectly carry on any business activity except for a business activity that is inherent in or incidental to its functions referred to in section 6 or for any other prescribed activity.

(2) Nothing in subsection (1) precludes the Board from investing the assets of the Pension Funds, managing and administering those assets and doing anything necessary to protect the value of property acquired by the Board by way of administering or realizing a security held by it.

1995 cT-1.5 s12

Conflict of interest rules

13 The Board shall by resolution establish rules respecting conflicts of interest for its members and officers by which those persons will be bound and establishing the consequences of contravening those rules.

1995 cT-1.5 s13

Plan rules

14(1) The Lieutenant Governor in Council shall by regulation establish those plan provisions that are to be included in each Plan from the time of its continuation by this Act and that are not fully provided for in this Act.

(2) Except where otherwise provided in this Act or the regulations, the plan rules may be amended only by the Lieutenant Governor in Council.

(3) Unless the Association has requested in writing the making of a proposed amendment, the Lieutenant Governor in Council may exercise the Lieutenant Governor in Council's power to amend the existing plan rules only if

- (a) the Education Minister gave notice in writing to the Board and the Association about the subject-matter of the proposed amendment,
- (b) that subject-matter has been the subject of negotiations between the Education Minister and the Association, and
- (c) the negotiations have been completed, whether successfully or not, or a period of 3 months has elapsed since the notice was given.

- (4) The Board,
- (a) where permitted to make plan rules by or under a specific provision of this Act or the regulations, may by regulation carry into effect those plan rules, and
 - (b) where required to make plan rules by or under a specific provision of this Act or the regulations, shall by regulation carry into effect those plan rules.
- (5) The Board may make plan provisions with respect to
- (a) reciprocal transfer agreements, and
 - (b) the review committee under section 9.
- (6) Notwithstanding anything in this Act, the Lieutenant Governor in Council has no authority to make plan rules on a matter respecting which the plan-rule-making authority is given by this Act to the Board.
- (7) The plan rules are subject to the regulations as well as to this Act.
- (8) To avoid any possible doubt, plan rules are regulations under the *Regulations Act*.
- (9) To the extent, if any, that is prescribed, a provision of the plan rules may be made to apply with effect from a date that is prior to that on which they are filed under the *Regulations Act*.
- (10) Plan rules made after subsection (1) has been implemented that purport to carry into effect benefit adjustments resulting in an increase in the actuarial cost of the Plan are not effective unless their subject-matter has been agreed between the Education Minister and the Association.
- (11) The Crown is liable to pay those contributions and any interest on overdue contributions for which it is liable under the plan rules, and the Minister shall pay those contributions and that interest at the times and in the manner provided by and otherwise in accordance with the plan rules.

RSA 2000 cT-1 s14;2006 c23 s76;2009 c32 s4

15 Repealed 2012 cE-8.1 s160.

Funding of post-1992 benefits and Private School Plan

16(1) In this section,

- (a) “funding requirements” means the minimum funding requirements determined under the regulations, excluding any solvency funding requirements;
- (b) “solvency funding requirements” means the prescribed requirements, if any, for funding solvency deficiencies.

(1.1) The Board shall have a separate actuarial valuation of each of the post-1992 benefits and the Private School Plan performed and a separate report on each such valuation prepared by the Plan’s actuary at least once every 3 years, with each such report including a calculation of the solvency deficiencies.

(2) The Board shall, if necessary, within a reasonable time after receiving each report, make plan provisions for each Plan, substantially based on the Plan’s actuary’s report, adjusting the employer-contributors’ and the contributing active members’ contribution rates to comply with subsections (3), (5) and (6).

(3) With regard to the post-1992 benefits and the Private School Plan, the funding requirements and, if applicable, the solvency funding requirements are to be met by contributions paid by the contributing active members and by the employer-contributors in accordance with the plan rules.

(4) Repealed 2009 c32 s6.

(5) The Board shall set the employer-contributors’ and the contributing active members’ contribution rates for current service under each Plan so that

- (a) together they are sufficient to cover the current service cost in respect of the current service under the Plan,
- (b) the aggregate contributions for the current service payable by contributing active members of the Plan are equal to those payable by the employer-contributors of the Plan, and
- (c) no account is taken in the employer-contributors’ contribution rates of the portions of the current service cost that represent the costs of any benefit or any portion of a benefit the costs of which are required by the Plan’s plan rules to be borne exclusively by its contributing active members.

(6) Separately with respect to the post-1992 benefits and the Private School Plan, the Board shall set the employer-contributors’ and the contributing active members’ contribution rates for unfunded liabilities or solvency deficiencies or both, so far as applicable, so that

- (a) those combined contributions are sufficient to meet or exceed the applicable funding requirements or, if applicable, the solvency funding requirements or both, as the case may be,
 - (b) the aggregate contributions payable by contributing active members are equal to those payable by the employer-contributors, and
 - (c) no account is taken in the employer-contributors' contribution rates of the portions of those unfunded liabilities or solvency deficiencies that represent the costs of any benefit or any portion of a benefit the costs of which are required by the plan rules to be borne exclusively by the contributing active members.
- (7) Repealed 2009 c32 s6.

RSA 2000 cT-1 s16;2009 c32 s6;2012 cE-8.1 s160

Pension Funds

- 17(1)** The Board shall hold and administer the Pension Funds in accordance with this Act.
- (2)** All the assets of the Private School Plan are to be held in, and all its liabilities are to be assumed by, the Private School Fund, and all the assets and liabilities relating to the post-1992 benefits are to be respectively held in and assumed by the post-1992 fund.
- (2.1)** All the assets relating to the pre-1992 benefits are to be held in the pre-1992 fund.
- (2.2)** The pre-1992 benefits are to be funded through the medium of the pre-1992 fund and all the assets of that fund are to be used to fund those liabilities and related plan costs.
- (3)** The Board shall
- (a) invest or lend the assets of a Pension Fund in a manner that is not excluded by the regulations, and
 - (b) manage those assets
- for the sole benefit of the persons entitled to the respective benefits.
- (4)** All contributions to a Plan, with interest, if any, payable on them, must be made and remitted to the Board, which shall deposit that money into the post-1992 fund or the Private School Fund, as the case may be, directly on receiving it.
- (5)** All income of and all appreciation and depreciation in the value of the assets of a Pension Fund accrue to that Pension Fund.

(6) The Board shall pay

- (a) the post-1992 benefits and its plan costs out of the post-1992 fund,
- (b) the pre-1992 benefits and its plan costs out of the pre-1992 fund, and
- (c) the benefits under the Private School Plan and its plan costs out of the Private School Fund.

(7) The assets of the Private School Fund are not to be used to discharge any liabilities of or relating to the Principal Plan, and the assets of the post-1992 fund or the pre-1992 fund are not to be used to discharge any liabilities of or relating to each other or the Private School Plan.

(8) Subject to section 20, nothing in this section prevents the pooling of the assets of the Pension Funds for investment and administrative purposes.

RSA 2000 cT-1 s17;2009 c32 s7;2012 cE-8.1 s160

Investment of Board funds

17.1(1) The Board shall establish a statement of investment policies and goals having regard to any restrictions on investment set out in the regulations.

(2) The Board shall ensure that the Pension Funds are invested in accordance with the statement of investment policies and goals.

2019 c15 s42

Investment management services

17.2(1) The Board is a designated entity under section 6(1) of the *Alberta Investment Management Corporation Act* in respect of the Pension Funds.

(2) Subject to subsections (4) and (5), the Board shall, through an investment management agreement,

- (a) engage Alberta Investment Management Corporation as the exclusive provider to the Board of investment management services in respect of the Pension Funds, and
- (b) ensure that all investments of the Pension Funds are managed by Alberta Investment Management Corporation.

(3) The investment management agreement must take effect as soon as possible, but no later than June 30, 2020 or such later date as set by order of the Finance Minister.

(4) The Board may exclude investments of the Pension Funds from an investment management agreement under subsection (2) if the funds invested are reasonably required to meet the Board's expected current liabilities and operating expenses.

(5) The Finance Minister may by order authorize the Board to exclude from an investment management agreement under subsection (2), for a fixed or indefinite period of time, specific investments or classes of investments of the Pension Funds but such investments must not make up more than 10% of the total value of the Board's investments at the time the order is made, excluding investments made under subsection (4).

2019 c15 s42

Transfer of investment management services

17.3(1) Subject to section 17.2(4) and (5), the Board shall, in conjunction with Alberta Investment Management Corporation, establish as soon as possible, but no later than December 31, 2020, a plan to transfer the management of the following investments to Alberta Investment Management Corporation:

- (a) investments made by the Board itself;
- (b) investments made by or through any other person.

(2) For the purposes of section 17.2(2)(b), the Board shall transfer the management of the investments referred to in subsection (1) as soon as possible after the parties enter into an investment management agreement and in any case no later than December 31, 2021.

(3) The Finance Minister may by order, subject to any terms and conditions that the Finance Minister considers appropriate,

- (a) extend a deadline referred to in subsection (1) or (2), or
- (b) direct the Board to transfer the management of any investments referred to in subsection (1) to Alberta Investment Management Corporation if
 - (i) the parties fail to establish a plan under subsection (1), or
 - (ii) in the Finance Minister's opinion, the parties fail to make sufficient progress towards the transfer of the management of investments under subsection (2).

2019 c15 s42

Trust relationship to Pension Funds

18(1) The Board shall hold all the assets of

- (a) the post-1992 fund in trust solely for the purposes of providing post-1992 benefits,
- (b) the pre-1992 fund in trust solely for the purposes of providing pre-1992 benefits, and
- (c) the Private School Fund in trust solely for the purposes of providing benefits under the Private School Plan,

and of meeting the respective plan costs.

(2) The assets of

- (a) the post-1992 fund belong beneficially to the persons entitled to the post-1992 benefits,
- (b) the pre-1992 fund belong beneficially to the persons entitled to the pre-1992 benefits, and
- (c) the Private School Fund belong beneficially to the persons entitled to benefits under the Private School Plan,

and the Crown has no claim to those assets.

RSA 2000 cT-1 s18;2009 c32 s8

Saving of pre-1992 benefits

19 The benefits accrued under the Principal Plan as at the end of August 1992, including subsequent cost-of-living adjustments referred to in this section, as it was repealed by section 8 of the *Teachers' Pension Plans Amendment Act, 2009*, are saved but with cost-of-living adjustments continuing under this section as if that repeal had not taken place, but (to avoid any doubt) the benefits so saved do not include the value of any increase in any such benefits resulting from any amendment of the law coming into force after August 1992.

RSA 2000 cT-1 s18;2009 c32 s8

Funding of pre-1992 benefits

19.1(1) The Crown assumes the whole liability for the funding, in accordance with this section, of the pre-1992 benefits through the pre-1992 fund.

(2) The Finance Minister shall advance money from the General Revenue Fund to enable the Board to make regular payments of pre-1992 benefits from the pre-1992 fund.

(3) The Crown guarantees the payment of the pre-1992 benefits.

(4) Notwithstanding anything in this Act, in the event that there are any assets remaining in the pre-1992 fund after the payment of all the pre-1992 benefits and related plan costs, all those remaining

assets belong to the Crown and the Board shall return them to the Crown, whereupon the pre-1992 fund is automatically closed.

2009 c32 s8

Payment of post-1992 assets to post-1992 fund

19.2(1) The Finance Minister, after consulting with the Board, shall determine the accumulated value, as at the end of August 2009, of the post-1992 assets that were used pursuant to section 19(8) (repealed).

(2) The Finance Minister, in a manner and in accordance with a time schedule that the Finance Minister considers appropriate, shall pay from the General Revenue Fund to the post-1992 fund the full amount determined under subsection (1) with interest from the end of August 2009 at the prescribed rate.

(3) In the event that the Principal Plan is wound up and there remains any money due under this section, the Finance Minister shall forthwith pay from the General Revenue Fund to the post-1992 fund the whole amount of principal and interest owed.

2009 c32 s8

Plan costs

19.3 The plan costs of or relating to

- (a) the pre-1992 fund consist of the costs and expenses that the Board decides fall within those prescribed as the plan costs relating to the pre-1992 benefits,
- (b) the post-1992 fund consist of the costs and expenses that the Board decides relate to the Principal Plan, excluding those falling within clause (a), and
- (c) the Private School Plan consist of the costs and expenses that the Board decides relate to the Private School Plan.

2009 c32 s8

Records for different treatments

20 The Board shall maintain such records, in accordance with any requirements that are prescribed, as are requisite to enable

- (a) all transactions and information respecting a Plan or Pension Fund to be attributed to whichever Plan or Pension Fund is appropriate,
- (b) the classification of benefits under the Principal Plan as pre-1992 benefits or post-1992 benefits, and

- (c) the total of the plan costs to be charged against the Pension Funds and the allocation of that total among the Pension Funds.

RSA 2000 cT-1 s20;2009 c32 s9

21 Repealed 2009 c32 s10.

Civil enforcement

22 The Board may, by application on 3 days' notice supported by an affidavit, apply to the Court of Queen's Bench for, and that Court may make, an order

- (a) compelling a person to do anything that that person is required by this Act, the regulations or the plan rules to do, or
- (b) prohibiting a person from
 - (i) doing anything that that person is prohibited by any such enactment from doing, or
 - (ii) doing anything in relation to a Plan that the person is prohibited by law from doing.

RSA 2000 cT-1 s22;2009 c53 s175

Regulations

23(1) Subject to any other provisions of this Act imposing any further or other conditions, the Lieutenant Governor in Council may, on a recommendation made by the Minister following consultation with the Board, make regulations establishing provisions of a legislative nature that do not form part of a Plan,

- (a) respecting the provision of reports by the Board to the Crown, the Association and members respecting the operation of the Plan;
- (b) respecting the powers, duties and liabilities of the Board and its members and the quorum of and voting on the Board and its committees;
- (c) respecting the liabilities of members of the Board and providing full or partial immunity or relief from any liabilities to which the Board, members of the Board or of any of its committees or any employees of the Board would otherwise be subject under this or any other law;
- (d) exempting the Board or its members, or both, from any of the provisions of the *Trustee Act*;

- (e) respecting nominations to and the offices of chair and vice-chair of the Board and the terms of office of its members;
- (f) requiring the Board to consult with the Minister or the Finance Minister in respect of the prescribed matters;
- (g) imposing and otherwise providing for civil penalties on employers for failing to comply with the regulations or the plan rules;
- (h) exempting interests in benefits from garnishee proceedings, attachment, seizure or legal process;
- (i) repealed 2009 c32 s11;
- (j) respecting any supplemental plan established under section 24;
- (k) providing for the winding-up of a Plan, the basis on which the winding-up is to be carried out and the disposition of the assets and liabilities in that Plan's Pension Fund or Funds;
- (l) respecting the manner in which actuarial gains and surpluses attributable to specified periods of pensionable service are to be applied;
- (m) respecting the making, amendment, repeal or replacement of the plan rules by regulation;
- (n) enabling the Minister to require an audit of a Plan, and respecting any such audit;
- (o) respecting designations of beneficiaries and the effects of such designations;
- (o.1) respecting the determination of solvency deficiencies for the purpose of section 1(1)(p);
- (o.2) respecting the minimum funding requirements for the purpose of section 16(1)(a);
- (o.3) respecting restrictions on the investment or lending of the assets of a Pension Fund for the purpose of section 17(3)(a);
- (p) respecting the effect of family property orders;
- (p.1) being provisions that are considered to be requisite or advisable so as to give full effect to the Plan or to be sound law in the field of pensions;

- (q) prescribing any matter or thing that by this Act may be or is to be prescribed.

(2) The Lieutenant Governor in Council may, on the written recommendation of the Board, make regulations establishing provisions of a legislative nature that do not form part of a Plan,

- (a) respecting remuneration, if any, payable to members of the Board;
- (b) respecting removals and suspensions from the Board;
- (c) imposing obligations on employers to facilitate the administration of the Plan;
- (d) respecting the auditing of the records of employers relating to the Plan, the ordering by the Board of such an audit at employers' expense and the disposition of the audit reports.

(3) Regulations may be made to apply

- (a) to both or to only one of the Plans, and
- (b) to particular categories of persons or of classes of persons, as well as having general application.

RSA 2000 cT-1 s23;2009 c32 s11;2012 cE-8.1 s160;
2018 c18 s6

Regulations under the Alberta Public Agencies Governance Act prevail

23.1 If regulations under the *Alberta Public Agencies Governance Act* apply in respect of remuneration payable to members of the Board, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations made under section 23(2)(a).

2009 cA-31.5 s74

Supplemental plans

24 The Lieutenant Governor in Council may by regulation

- (a) establish supplemental pension plans under the Principal Plan with respect to specific categories of members of that Plan,
- (b) extend the application of any provisions of this Act or the regulations to a supplemental plan or adapt any such provisions so as to apply appropriately to it, and
- (c) establish other provisions that are to apply to the supplemental plan.

1995 cT-1.5 s24

Collection and disclosure of employment information

25(1) In this section,

- (a) “Department” means the Government department responsible for education;
- (b) “employer” and “employment” include a former employer and former employment respectively;
- (c) “employment information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* that relates to members’ employment or pensions but, as regards the collection by or the disclosure to an employer of that information, is restricted to information about members employed by that particular employer.

(2) The Board is authorized to collect employment information from, and to disclose it to,

- (a) employers,
- (b) the Department, and
- (c) any other prescribed body or person.

(3) Employers are authorized to collect employment information from, and to disclose it to,

- (a) the specific members to whom the information relates,
- (b) the Board,
- (c) the Department, and
- (d) any other prescribed body.

(4) The Department is authorized to collect employment information from, and to disclose it to,

- (a) employers, and
- (b) the Board.

(5) Where this section gives authority to a body to collect from, or to disclose to, a prescribed body or person any employment information, that prescribed body or person is authorized respectively to disclose to, or to collect from, that first-mentioned body that employment information.

(6) Information may be collected under this section from a person or body other than the member to whom it relates in any manner

that is agreed between the persons or bodies collecting and providing it.

1995 cT-1.5 s25

26 Repealed 2009 c32 s12.



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