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2nd SESSION, 63rd GENERAL ASSEMBLY  
Province of Prince Edward Island  
57 ELIZABETH II, 2008

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**CHAPTER 32**

(Bill No. 28)

**An Act to Amend the Teachers' Superannuation Act**

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Honourable L. Gerard Greenan  
Minister of Education and Early Childhood Development

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GOVERNMENT BILL

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## CHAPTER 32

### An Act to Amend the Teachers' Superannuation Act

(Assented to May 22, 2008)

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

#### 1. Section 1 of the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1 is amended

(a) in clause (c), by the deletion of the word “teacher” and the substitution of the word “member”;

(b) by the repeal of clause (d.1) and the substitution of the following:

(d.1) “member” means

member

(i) a teacher who is employed by a school board, as defined in the *School Act* R.S.P.E.I. 1988, Cap. S-2.1,

(ii) a teacher who is employed by the Department of Education and Early Childhood Development in the supervision of teaching or other service, and who is not a member under the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9,

(iii) a teacher who

(A) is employed by the Prince Edward Island Teachers' Federation, and

(B) makes contributions to the Fund under this Act, or

(iv) a teacher who

(A) is employed by any school located in the province operated by the Department of National Defence (Canada) or the Department of Indian and Northern Affairs (Canada) or by any other public agency recognized by the Minister as providing efficient instruction in a school,

(B) receives permission from the Minister to come under this Act, and

(C) makes contributions to the Fund under this Act,

but does not include substitute or temporary teachers;

(c) by the addition of the following after clause (e.1):

(e.2) “pension benefit” means any pension, allowance, annuity, refund of contributions or other benefit or amount payable under this Act;

pension benefit

- pensioner (e.3) "pensioner" means a former member who is receiving periodic pension payments from the Fund in accordance with this Act;
- (d) in clause (g), by the deletion of the word "teacher" and the substitution of the word "member";**
- (e) by the repeal of clause (h) and the substitution of the following:**
- service or teaching service (h) "service" or "teaching service" means, subject to the limitations imposed by section 11, 11.2 and 12.1,
- (i) any service rendered by a member
- (A) in teaching in the public schools of the province,
- (B) in the supervision of teaching or other service in the public schools of the province,
- (C) in the supervision of teaching or other service in the Department of Education and Early Childhood Development,
- (D) during any period of employment with the Prince Edward Island Teachers' Federation, and
- (E) in teaching in any school located in the province operated by the Department of National Defence (Canada) or the Department of Indian and Northern Affairs (Canada) or by any other public agency recognized by the Minister as providing efficient instruction in a school,
- for which contributions have been made as required under this Act, and
- (ii) any period during which the member is in receipt of temporary wage loss benefits under the *Workers Compensation Act* R.S.P.E.I. 1988 Cap. W-7.1 in respect of a total loss of earnings capacity for which contributions have been made as required under this Act,
- but does not include any service by the member as a substitute or temporary teacher or any service given by the member to a person other than the primary employer of the member;
- (f) in clause (i), by the deletion of the word "instructional"; and**
- (g) by the addition of the following after clause (j):**
- vested former member (j.1) "vested former member" means a former member who is not a pensioner and who is not receiving disability payments under a Long Term Disability Insurance Plan but who is entitled to a deferred or immediate pension from the Fund in accordance with this Act;
- 2. Section 2 of the Act is repealed and the following substituted:**
- Application **2.** This Act applies to
- (a) every person who is a member; and

- (b) every person who
  - (i) is a pensioner or a vested former member, or
  - (ii) made contributions to the Fund.

**3. (1) Subsection 3(1) of the Act is amended**

**(a) in clause (a), by the addition of the words “and Early Childhood Development” after the words “Department of Education”; and**

**(b) in clause (b), by the deletion of the words “three teachers” and the substitution of the words “three members”.**

**(2) Subsection 3(2) of the Act is amended by the deletion of the word “members” and the substitution of the word “persons”.**

**4. (1) The Act is amended in the following provisions by the deletion of the word “teacher” and the substitution of the word “member”:**

- (a) section 11.1;**
- (b) subsections 14(2) and (3);**
- (c) subsections 14.1(1) and (3);**
- (d) subsection 19(1);**
- (e) subsection 20(2);**
- (f) subsection 28(2);**
- (g) clause 33(f).**

**(2) The Act is amended in the following provisions by the deletion of the word “teacher” wherever it occurs and the substitution of the word “member”:**

- (a) subsections 11.2(2) and (3);**
- (b) subsections 14(1), (6) and (7);**
- (c) subsection 14.1(4);**
- (d) subsections 15(1), (2) and (3);**
- (e) subsections 16(2) and (3);**
- (f) subsections 18(1.01), (1.02), (1.2);**

**(g) subsection 19(2).**

**(3) The Act is amended in the following provisions by the deletion of the word “teachers” and the substitution of the word “members”:**

**(a) subsection 3(5);**

**(b) subsection 9(1);**

**(c) subsection 18(3).**

**(4) The Act is amended in the following provisions by the deletion of the word “teacher’s” wherever it occurs and the substitution of the word “member’s”:**

**(a) subsection 11.2(2);**

**(b) subsections 14(2), (3), (6) and (7);**

**(c) clause 14.1(1)(a);**

**(d) subsection 14.1(3);**

**(e) subsection 19(1).**

**5. (1) Clauses 16(1)(a) and (d) of the Act are amended by the deletion of the words “five or more years” and the substitution of the words “two or more years”.**

**(2) Clause 16(1)(c) of the Act is amended by the deletion of the words “at least five years but less than thirty years of service” and the substitution of the words “at least two years of service and less than thirty years of service”.**

**(3) Subsection 17(1) of the Act is amended by the deletion of the words “five years or more” and substitution of the words “two or more years”.**

**(4) Subsections 24(1), (2), (3) and (4) of the Act are amended by the deletion of the words “five years of service” and the substitution of the words “two years of service”.**

**6. (1) Subsection 11(2) of the Act is amended**

**(a) by the deletion of the words “Where a person has been employed” and the substitution of the words “Where a member has been employed”; and**

**(b) by the deletion of the words “if the teacher has paid into the Fund” and the substitution of the words “if the member has paid into the Fund”.**

**(2) Subsection 11(4) of the Act is amended by the deletion of the words “A teacher who” and the substitution of the words “A member who”.**

**7. Section 12.1 of the Act is amended**

**(a) by the deletion of the words “teacher under this Act” wherever they occur and the substitution of the words “member under this Act”; and**

**(b) by the deletion of the words “under that Act” and the substitution of the words “under the *Income Tax Act* (Canada)”.**

**8. (1) Subsection 14(1) of the Act is repealed and the following substituted:**

**14. (1)** Every member whose employment is not excluded from the Canada Pension Plan as defined in the *Canada Pension Plan Act* R.S.C. 1985, Chap.C-8 shall contribute to the Fund an amount which is equal to the sum of

Non-excluded member amount to contribute to Fund

(a) seven and three-tenths per cent of that part of his or her salary up to the amount of the “Year’s Maximum Pensionable Earnings” for the year for which the contribution is made, as defined in the said Act; and

(b) nine per cent of that part of his or her salary that exceeds the amount of the “Year’s Maximum Pensionable Earnings” for the year for which the contribution is made.

(1.1) Every member whose employment is excluded from the Canada Pension Plan shall contribute to the Fund an amount which is nine per cent of the member’s salary.

Amount excluded member to contribute to Fund

**(2) Subsection 14(5) of the Act is amended by the deletion of the word “teachers” wherever it occurs and the substitution of the word “members”.**

**9. Subsections 15(1) and (2) of the Act are amended by the deletion of the words “69 years” and the substitution of the words “71 years”.**

**10. (1) Subsection 16(1) of the Act is amended by the deletion of the word “person” and the substitution of the words “member or vested former member”.**

**(2) Subsection 16(1.1) of the Act is amended by the deletion of the word “person” wherever it occurs and the substitution of the words “member or vested former member”.**

**11. (1) Subsection 17(1) of the Act is amended by the deletion of the word “person” wherever it occurs and the substitution of the words “member or vested former member”.**

**(2) Subsection 17(3) of the Act is amended by the deletion of the word “person” wherever it occurs and the substitution of the words “member or vested former member”.**

**12. Subsection 18(1.02) of the Act is amended by the deletion of the words “Consumer Price (all items) Index for Canada (1992 = 100)” and the substitution of the words “Consumer Price (all items) Index for Canada (2002 = 100)”.**

**13. Subsection 20(1) of the Act is amended**

**(a) by the deletion of the words “pension to the teacher” and the substitution of the words “pension to the pensioner”; and**

**(b) by the deletion of the words “salary for the teacher” and the substitution of the words “salary for the member”.**

**14. Subsection 21(1) of the Act is amended by the deletion of the words “Consumer Price (all items) Index for Canada (1992 = 100)” and the substitution of the words “Consumer Price (all items) Index for Canada (2002 = 100)”.**

**15. Subsection 23(4) of the Act is amended by the deletion of the word “teacher” and the substitution of the words “member or vested former member”.**

**16. Subsections 24(1) to (4) of the Act are amended by the deletion of the word “teacher” wherever it occurs and the substitution of the words “member or vested former member”.**

**17. Subsections 25(1) to (4) of the Act are amended by the deletion of the word “teacher” wherever it occurs and the substitution of the word “pensioner”.**

**18. Subsection 25.1(1) of the Act is amended by the deletion of the word “teacher” and the substitution of the words “member, vested former member or pensioner”.**

**19. Subsections 27(1) and (2) of the Act are amended by the deletion of the word “teacher” and the substitution of the words “member, vested member or pensioner”.**

**20. The Act is amended by the addition of the following after section 27:**

**27.1** For greater certainty, section 22 applies to any spouse or dependant receiving a pension under this Act arising from the death of a member, vested former member or pensioner, and the pension received by that spouse or dependant shall be reduced as provided for in section 22 on the date the member, vested former member, or pensioner would have, except for his or her death, reached the age of sixty-five years.

Application of  
section 22 to spouse  
or dependant  
receiving pension

**21. (1) Subject to subsection (2), this Act comes into force on assent.**

**(2) Subsection 8(1) of this Act comes into force on January 1, 2009.**

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	May 14, 2008
<i>2nd Reading:</i>	May 20, 2008
<i>To Committee:</i>	May 20, 2008
<i>Reported:</i>	May 20, 2008
<i>3rd Reading and Pass:</i>	May 22, 2008
<i>Assent:</i>	May 22, 2008

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Minister of Education and Early Childhood  
Development

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