

2023 Bill 2

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 2**

**ALBERTA PENSION PROTECTION ACT**

THE PRESIDENT OF TREASURY BOARD AND MINISTER OF FINANCE

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .



## **BILL 2**

2023

### **ALBERTA PENSION PROTECTION ACT**

*(Assented to , 2023)*

#### *Table of Contents*

**1** Definition

**Part 1  
Referendum**

**2** Referendum required for provincial pension plan

**3** When referendum is binding

**4** Referendum procedure

**Part 2  
Requirements for Provincial Pension Plan**

**5** Definitions

**6** Application of Part

**7** Use of amount paid from Canada Pension Plan

**8** Same or better benefits

**9** Same or lower contribution rates

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

**Definition**

**1** In this Act, “provincial pension plan” has the same meaning as  
in subsection 3(1) of the *Canada Pension Plan* (Canada).

## **Part 1**

### **Referendum**

#### **Referendum required for provincial pension plan**

**2(1)** The Lieutenant Governor in Council may order the holding of a referendum with respect to the establishment and operation of a provincial pension plan for Albertans.

**(2)** The Government of Alberta shall not, unless a referendum is first ordered under subsection (1) and held in accordance with this Act with respect to the establishment and operation of a provincial pension plan,

- (a) assume the obligations and liabilities described in paragraph 3(1)(b) of the *Canada Pension Plan* (Canada), or
- (b) accept any payment or transfer or receive any assets pursuant to paragraph 113(1)(b) of the *Canada Pension Plan* (Canada).

**(3)** An order under subsection (1) shall specify

- (a) the question or questions that are to be put to the electors,
- (b) whether the referendum is to be held
  - (i) in conjunction with a general election under the *Election Act*,
  - (ii) separately as a stand-alone referendum on a date provided in the order, or
  - (iii) in conjunction with the general elections under the *Local Authorities Election Act*,
- (c) whether the results of the referendum are to be binding, and
- (d) whether the referendum is to be conducted by mail-in ballot.

#### **When referendum is binding**

**3(1)** If the Lieutenant Governor in Council has specified that the results of a referendum ordered under section 2 are to be binding

and a majority of the ballots validly cast at the referendum vote the same way on a question stated, the result is binding, within the meaning of subsection (2), on the government that initiated the referendum.

(2) If the results of a referendum are binding, the government that initiated the referendum shall take, as soon as practicable, any steps within the competence of the Government of Alberta that it considers necessary or advisable to implement the results of the referendum.

#### **Referendum procedure**

**4(1)** Sections 0.1 and 6 to 11 of the *Referendum Act*, and the regulations made under that Act in relation to those sections, apply to the conduct of a referendum ordered under this Act.

(2) For the purpose of subsection (1),

- (a) the reference in section 6(1) of the *Referendum Act* to section 5.1(2)(b)(ii) of that Act shall be read as a reference to section 2(3)(b)(ii) of this Act,
- (b) the reference in section 7.1 of the *Referendum Act* to
  - (i) a referendum held under that Act shall be read as a reference to a referendum held under this Act, and
  - (ii) section 5.1(2)(b)(ii) of that Act shall be read as a reference to section 2(3)(b)(ii) of this Act,
- (c) the reference in section 8(7) of the *Referendum Act* to a referendum under that Act shall be read as a reference to a referendum under this Act, and
- (d) the reference in section 9(2) of the *Referendum Act* to the Minister responsible for the administration of that Act shall be read as a reference to the Minister responsible for the administration of this Act.

(3) Where a referendum is ordered under section 2 to be held as a stand-alone referendum on a date provided in the order, the referendum may be conducted by mail-in ballot in accordance with the regulations made under the *Referendum Act* respecting mail-in ballots.

## **Part 2**

### **Requirements for Provincial Pension Plan**

#### **Definitions**

**5** In this Part,

- (a) “contributor” means an individual
  - (i) who, on the effective date, becomes a member of a provincial pension plan established by the Government of Alberta, and
  - (ii) in respect of whom eligible contributions were made;
- (b) “effective date” means the effective date, within the meaning of subsection 3(3) of the *Canada Pension Plan* (Canada), in respect of a provincial pension plan established by the Government of Alberta;
- (c) “eligible contributions” means any contributions made under the *Canada Pension Plan* (Canada) at any time before the effective date in respect of employment in Alberta or self-employed earnings of persons resident in Alberta as those expressions are used in sections 3 and 4 of the *Canada Pension Plan* (Canada);
- (d) “eligible person” means a contributor or non-contributing beneficiary;
- (e) “non-contributing beneficiary” means a person to whom a benefit
  - (i) was payable under the *Canada Pension Plan* (Canada) as of immediately before the effective date as a result of eligible contributions made in respect of a contributor who is not that person, or
  - (ii) would or may have become payable under the *Canada Pension Plan* (Canada) on or after the effective date as a result of eligible contributions made in respect of a contributor who is not that person had the Government of Alberta not established a provincial pension plan.

**Application of Part**

**6** This Part applies if the Government of Alberta establishes a provincial pension plan.

**Use of amount paid from Canada Pension Plan**

**7** No amount paid or transferred to, or assets received by, the Government of Alberta pursuant to paragraph 113(1)(b) of the *Canada Pension Plan* (Canada) shall be used for any purpose other than the establishment and operation of the provincial pension plan.

**Same or better benefits**

**8(1)** The provincial pension plan shall provide benefits to eligible persons that are the same as or better than the benefits provided under the *Canada Pension Plan* (Canada), as it read immediately before the effective date, that

- (a) were payable as of immediately before the effective date, or
- (b) would or may have become payable on or after the effective date had the Government of Alberta not established a provincial pension plan.

**(2)** The benefits provided under subsection (1) shall include,

- (a) in respect of a contributor, benefits determined based on the eligible contributions made in respect of the contributor, and
- (b) in respect of a non-contributing beneficiary to whom benefits are or become payable from the provincial pension plan, benefits determined based on the eligible contributions made in respect of the contributor through whom the non-contributing beneficiary became eligible under the *Canada Pension Plan* (Canada).

**Same or lower contribution rates**

**9** Contribution rates under the provincial pension plan shall be the same as or lower than the contribution rates that applied under the *Canada Pension Plan* (Canada) as it read immediately before the effective date.

# RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To