

1960

# c 209 Legislative Assembly Retirement Allowances Act

Ontario

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## CHAPTER 209

### The Legislative Assembly Retirement Allowances Act

1. In this Act, Interpre-  
tation
- (a) "allowance" means an allowance under this Act;
- (b) "indemnity" has the same meaning as in *The Legis-* R.S.O. 1960,  
c. 208  
*lative Assembly Act*;
- (c) "member" means a member of the Assembly;
- (d) "minister" means a member of the Executive Council, and includes for the purposes of this Act the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, the Speaker or the Leader of the Opposition;
- (e) "salary" means,
- (i) the annual salary paid to a minister under *The Executive Council Act*, or R.S.O. 1960,  
c. 127
- (ii) the additional indemnity of the Speaker or the Leader of the Opposition authorized by *The Legislative Assembly Act*;
- (f) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid;
- (g) "Treasurer" means the Treasurer of Ontario. 1960, c. 58, s. 1.
2. This Act shall be administered by the Treasurer. 1960, Adminis-  
tration of  
Act  
c. 58, s. 2.
3. This Act applies to every member and to every minister. Application  
of Act  
1960, c. 58, s. 3.
- 4.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act. Current con-  
tributions,  
members

Maximum  
con-  
tributions  
members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity. 1960, c. 58, s. 4.

Previous  
service,  
members'  
election

5.—(1) A member who was not a member on the 1st day of April, 1960, may, within ninety days from the day upon which the Assembly first is in session after he becomes a member, elect in writing to contribute under this Act in respect of any part of any period of service as a member previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election. 1960, c. 58, s. 5 (1), *amended*.

Establish-  
ment of  
credit,  
members

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment  
payments,  
members

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. 1960, c. 58, s. 5 (2-4).

Eligibility  
for allow-  
ance,  
members

6.—(1) A member who has contributed in respect of ten or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member. 1960, c. 58 s. 6 (1), *part*.

Idem

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4. 1960, c. 58, s. 6 (1), *part*.

Calculation  
of allowance  
at age 55,  
members

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

(4) Where a person who is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the prescribed tables. 1960, c. 58, s. 6 (2, 3), *revised*.

Calculation of allowance under age 55, members

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto,

Suspension of allowance, members

- (a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;
- (b) is employed in the public service of Ontario;
- (c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or
- (d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act*.

R.S.O. 1960, c. 81

(2) Where a person whose allowance has been suspended under clause a of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. 1960, c. 58, s. 7.

Recalculation of allowance, members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Act.

Current contributions, ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a department. 1960, c. 58, s. 8.

Maximum contributions, ministers

9.—(1) A minister who was not a minister on the 1st day of April, 1960, may, within ninety days from the day upon which he becomes a minister, elect in writing to contribute under this Act in respect of any part of any period of service as a minister previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election. 1960, c. 58, s. 9 (1), *amended*.

Previous service, minister's election

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the

Establishment of credit, ministers

amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment  
payments,  
ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. 1960, c. 58, s. 9 (2-4).

Eligibility  
for  
allowance,  
ministers

**10.**—(1) A minister who has contributed under section 8 or 9 and who has contributed in respect of ten or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member. 1960, c. 58, s. 10 (1), *part*.

Idem

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4. 1960, c. 58, s. 10 (1), *part*.

Calculation  
of allowance  
at age 55,  
ministers

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a department.

Calculation  
of allowance  
under age  
55, ministers

(4) Where a person who is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the prescribed tables. 1960, c. 58, s. 10 (2, 3), *revised*.

Suspension  
of  
allowance,  
ministers

**11.**—(1) An allowance under section 10 shall be suspended while the person entitled thereto,

- (a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;
  - (b) is employed in the public service of Ontario;
  - (c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund;
- or

(d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act*. R.S.O. 1960, c. 81

(2) Where a person whose allowance has been suspended under clause a of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 10 having regard to any additional contributory service as a minister performed while his allowance was suspended. 1960, c. 58, s. 11. Recalculation of allowance, ministers

**12.—**(1) Where a person, Widow's allowance

- (a) who is in receipt of an allowance;
- (b) who is entitled to an allowance; or
- (c) whose allowance has been suspended under section 7 or 11,

dies leaving a widow, an allowance equal to one-half of the allowance that the person was receiving at the date of his death or to which he was entitled or which was suspended and recalculated under section 7 or 11, as the case may be, shall be paid to his widow during her lifetime or widowhood.

(2) Subsection 1 does not apply to the widow of a person if she married him after he attained the age of sixty-five years or after he was in receipt of an allowance. 1960, c. 58, s. 12. Exception

**13.—**(1) A person who makes contributions under this Act and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, his personal representative is entitled to the same refund. Refunds

(2) Where a person who is in receipt of an allowance dies and no person becomes entitled to an allowance under section 12, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death. 1960, c. 58, s. 13. Idem

**14.** A person who has received a refund under subsection 1 of section 13 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. 1960, c. 58, s. 14. Reinstatement after refund

Payments  
into and  
out of  
Consolidat-  
ed Revenue  
Fund

**15.** All contributions and interest received under this Act shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund. 1960, c. 58, s. 15.

Special  
account

**16.**—(1) The Treasurer shall establish in the Consolidated Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

Annual  
payments  
into special  
account

(2) The Treasurer shall pay annually from the Consolidated Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council directs to assist in defraying the cost of allowances under this Act. 1960, c. 58, s. 16.

Application  
of  
R.S.O. 1960,  
c. 332

**17.** Section 37 of *The Public Service Superannuation Act* applies *mutatis mutandis* to any moneys payable to any person under this Act. 1960, c. 58, s. 17.

Recipients  
of  
allowances,  
etc., not  
disqualified  
R.S.O. 1960,  
c. 208

**18.** Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein. 1960, c. 58, s. 18.

Teachers'  
rights not  
affected  
R.S.O. 1960,  
c. 392

**19.** Notwithstanding subclause xii of clause *d* of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*. 1960, c. 58, s. 19.

Regulations

**20.** The Lieutenant Governor in Council may make regulations,

- (a) respecting the manner and times of payment of instalments under subsection 3 of section 5 and subsection 3 of section 9;
  - (b) prescribing tables for the purposes of subsection 4 of section 6 and subsection 4 of section 10;
  - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1960, c. 58, s. 20.
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