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c 9 The Teachers' Superannuation Amendment Act, 1971

Ontario

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CHAPTER 9

An Act to amend
The Teachers’ Superannuation Act

Assented to December 17th, 1971
Session Prorogued December 17th, 1971

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

1. Subclause vi of clause e of section 1 of The Teachers’ Superannuation Act, being chapter 455 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(vi) as a teacher in Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Ryerson Polytechnical Institute, St. John’s Training School for Boys, Uxbridge, or St. Joseph’s Training School for Boys, Alfred,

(via) as a teacher in the civil service as defined in The Public Service Act.

2. Subsection 7 of section 2 of the said Act is amended by striking out “Department of Education in Toronto” in the first and second lines and inserting in lieu thereof “Commission”.

3. The said Act is amended by adding thereto the following sections:

2a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

(a) in its own name acquire by purchase, lease or otherwise and hold any real property or any interest therein necessary for its actual use and occupation; and

(b) when no longer so necessary, sell or otherwise dispose of any of such property and pay the proceeds thereof into the Fund.
(2) Any expenditure incurred by the Commission in connection with any property acquired under subsection 1 shall be deemed to be an administration expense.

(3) The Commission may in its own name contract and be contracted with and sue and be sued in respect of any property or any interest therein acquired under subsection 1.

(4) The Commission shall be deemed to be a commission of the Crown for the purposes of The Public Works Creditors Payment Act.

2b. Where any document is required to be executed by the Commission, it is sufficient if the document is signed in the name of the Commission by any two of,

(a) the chairman of the Commission;

(b) a member of the Commission designated by the Commission for the purpose;

(c) the director of the Commission.

2c. The Commission shall continue to provide to each contributor to the Fund the explanations required to be provided to contributors to the Fund by The Pension Benefits Act.

4. Section 7 of the said Act is repealed and the following substituted therefor:

7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of $31,200,000, dated the 1st day of November, 1942, bearing interest at the rate of 4 3/4 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of $31,200,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

(2) The issue by the Treasurer of Ontario Government stock in the sum of $43,000,000, dated the 1st day of November, 1952, bearing interest at the rate of 4 1/2 per cent per year payable half-yearly, and maturing on the 1st day of November, 1992, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of
$43,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

(3) The issue by the Treasurer of Ontario Government stock in the sum of $176,000,000, dated the 1st day of November, 1962, bearing interest at the rate of 4½ per cent per year payable half-yearly, and maturing on the 1st day of November, 2002, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of $176,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1987.

(4) The issue by the Treasurer of Ontario Government stock in the sum of $454,500,000, bearing interest at the rate of 5 per cent per year payable half-yearly, and maturing on the 1st day of November, 1972, is withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of $454,500,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half yearly, and maturing on the 1st day of November, 1992.

(5) The Treasurer shall issue from time to time a Province of Ontario debenture in the amount, as determined by the Commission, of surplus funds accumulated in the Fund and not required for current expenditures, such debenture to be for a term of not more than twenty-five years and not less than twenty years and to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term securities issued or guaranteed by the Province payable in Canadian dollars and sold to the public during the Province of Ontario fiscal year next preceding the date of the debenture.

(6) For the purposes of subsection 5, the rate of interest and the term of the debenture shall be as agreed upon between the Treasurer and the Commission and approved by the Lieutenant Governor in Council.

(7) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund.
7a.—(1) All securities belonging to the Fund shall be deposited with the Treasurer.

(2) The Treasurer is responsible for the safekeeping of all securities deposited with him under subsection 1.

5. Clause a of section 11 of the said Act is amended by striking out "5" in the second line and inserting in lieu thereof "6".

6. Section 15 of the said Act is repealed and the following substituted therefor:

15.—(1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund.

(2) Every payment out of the Fund shall be made,

(a) by cheque of the Commission signed by; or

(b) by a direct transfer into the payee's account in a chartered bank or other institution entitled to receive money on deposit, pursuant to an arrangement authorized by the signatures of,

any two of, the chairman of the Commission, a member of the Commission designated by the Commission for the purpose, or the director of the Commission, and any such signature may be affixed in facsimile by use of a rubber stamp or by printing, lithographing, engraving or other means.

(3) The recipient of an allowance shall report, as required by the Commission, the number of days, if any, that he was employed, and the Commission may direct that no further allowance be paid him until he provides such report to the Commission.

7. Subclause ii of clause d of subsection 1 of section 17 of the said Act is amended by striking out "19" in the second line and inserting in lieu thereof "21".

8.—(1) Subsection 4 of section 19 of the said Act is repealed and the following substituted therefor:

(4) Every person on the staff of a college of applied arts and technology who is a contributor to the Fund on the 31st day of December, 1971, may,
by notice in writing executed on or before the 31st day of March, 1972, and given to the Commission and to the college, elect to discontinue his contributions to the Fund as of the 31st day of December, 1971, or to continue to contribute to the Fund while on the staff of any college of applied arts and technology in Ontario, and any such person who fails to execute such a notice within the prescribed time shall be deemed to have elected to continue to contribute to the Fund.

(2) Subsection 6 of the said section 19 is amended by s. 19 (6), striking out "4" in the first line.

(3) Subsection 7 of the said section 19 is repealed and the following substituted therefor:

(7) A person who elects or is deemed to have elected under this section, or who elected or is deemed to have elected under a predecessor of this section, to contribute to the Fund, shall be deemed to be employed as if the institution in which he is employed were named in subclause vi of clause c of section 1.

9. Section 20 of the said Act is amended by adding thereto the following subsection:

(2a) Where the annual rate of salary is less than $5,000, it shall, for the purposes of this section be deemed to be at the annual rate of $5,000.

10. Clause a of subsection 2 of section 22 of the said Act is amended by inserting after "subclause" in the second line "vi".

11. Section 24 of the said Act is repealed and the following substituted therefor:

24.—(1) Every person who,

(a) has credit in the Fund for thirty-five or more years of service;

(b) is sixty-two or more years of age; and

(c) ceased to be employed on or before the 30th day of November, 1971,

is entitled to an annual superannuation allowance during his lifetime.
(2) Every person who,

(a) has ceased to be employed after the 30th day of November, 1971; and

(b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with, the date that he ceased to be employed, totals at least ninety years,

is entitled to an annual superannuation allowance during his lifetime.

12.—(1) Subsection 1 of section 25 of the said Act is amended by striking out "such allowance" in the first line and inserting in lieu thereof "the annual superannuation allowance under section 24".

(2) The said section 25 is amended by adding thereto the following subsection:

(1a) In this section, "salary" for any year means the salary used in calculating the person's contribution to the Fund for such year.

13.—(1) Clause b of subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

(b) ceased to be employed on or before the 30th day of November, 1971,

(2) Subsection 2 of the said section 26 is amended by striking out "24" in the second line and inserting in lieu thereof "25".

14.—(1) Subsection 2 of section 27 of the said Act is amended by striking out "subsections 1, 3 and 4 of" in the second line.

(2) Subsection 3 of the said section 27 is repealed.

15. Subsection 2 of section 28 of the said Act is amended by striking out "subsections 1, 3 and 4 of" in the second line.

16. Subsection 2 of section 29 of the said Act is amended by striking out "subsections 1 and 4 of" in the second line.
17. Subsection 2 of section 30 of the said Act is amended by striking out "subsections 1 and 4 of" in the second line.

18. Section 32 of the said Act is repealed and the following substituted therefor:

32.—(1) Where a person who has credit in the Fund for dependant's allowance ten or more years dies while employed, or within two years after ceasing to be employed on account of ill health, or within one year after ceasing to be employed for any reason other than ill health during which year he or she manifested to the satisfaction of the Commission a bona fide intention of becoming employed as soon as possible, or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person’s credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and, where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant’s allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or
(b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant’s allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person’s credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

(2) Subsection 1 does not apply to the surviving spouse of a deceased person if they were married after the date of the deceased spouse’s retirement or to the child or children of any such surviving spouse.

(3) Where the surviving spouse was at least ten years younger than the deceased spouse, the payments under subsection 1 shall be reduced at the rate of 2% per cent for each year that the surviving spouse was more than ten years younger than the deceased spouse.

(4) In this section, “child” includes an adopted child and a step-child, and “children” has a corresponding meaning.

19. The said Act is amended by adding thereto the following section:

34a.—(1) Where the Minister, a board or other authority employing one or more persons who contribute to the Fund enters into an agreement with an insurer within the meaning of The Insurance Act to provide an
income to any such person who has a long-term disability, the agreement shall be submitted to the Commission for approval.

(2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person for each month in respect of which the person receives a payment under the agreement where the contribution is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be equal to the amount of the last contribution in the Fund, that was made to the Fund by such person before the cessation of his employment.

(3) Where an agreement approved by the Commission provides for payments to vary in amount from time to time in accordance with the cost of living, the amount of a contribution accepted by the Commission under subsection 2 shall be increased or decreased proportionately.

(4) Annually and at the same time as the total legislative grant is payable to the board or other authority, the Treasurer shall place to the credit of the Fund a sum equal to the total amount of the contributions made under this section in the previous twelve-month period.

20. Section 37 of the said Act is repealed.

21.—(1) Subsection 2 of section 42 of the said Act is amended by adding “and” at the end of clause a, by striking out “and” at the end of clause b, and by striking out clause c.

(2) Subsection 3 of the said section 42 is repealed and the following substituted therefor:

(3) Where a person who is receiving a disability allowance becomes engaged as a teacher in a school or institution either in or outside Ontario but is not employed within the meaning of clause c of section 1, the allowance shall cease to be paid and the Commission may reinstate the allowance at the end of the period of teaching upon receipt of a written request therefor.
22. Section 44 of the said Act is repealed and the following substituted therefor:

44. Where a person who ceased to receive a disability allowance because of re-employment again ceases to be employed,

(a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof upon receipt by the Commission of a notice in writing of the cessation of employment; and

(b) in the case of a person who has been so employed for a period of two or more school years, an application for an allowance shall be treated as an application for a new allowance.

23.—(1) This Act, except sections 1, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

(2) Sections 1, 5, 8, 9 and 10 come into force on the 1st day of January, 1972.

24. This Act may be cited as The Teachers' Superannuation Amendment Act, 1971.