1971

c 10 The Public Service Superannuation Amendment Act, 1971 (No. 2)

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

1. Clause \(d\) of subsection 1 of section 1 of The Public Service Superannuation Act, being chapter 387 of the Revised Statutes of Ontario, 1970, is amended by striking out “that Part” in the second line and inserting in lieu thereof “this Act”.

2. Section 8 of the said Act is amended by adding thereto the following subsection:

   (6) Any contributor who is entitled under clauses \(a\) and \(b\) of subsection 1 to credit in the Fund but who has failed to establish credit in respect of his continuous non-contributory service with the Crown under clauses \(c\) and \(d\) of subsection 1, may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply \(mutatis\) \(mutandis\), except that the rate of salary authorized to be paid to him during his period of non-contributory service shall be deemed to be equal to the rate of salary authorized at the time when he made the election and interest shall not be added.

3. Section 11 of the said Act is amended by adding thereto the following subsection:

   (3) Every contributor who,

   (a) ceases to be employed in the public service 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 he ceases to be employed in the public service, totals at least ninety years,
is entitled to a superannuation allowance upon his retirement.

s. 12 (2), re-enacted

4.—(1) Subsection 2 of section 12 of the said Act is repealed and the following substituted therefor:

Review

(2) The Board may at any time review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Civil Service Commission which shall consider the person for re-employment.

s. 12 (4), re-enacted

(2) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Where offer not accepted

(4) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity if he has attained the age at which an immediate annuity would otherwise be payable to him.

Reduction factors on immediate annuity

(5) Where an immediate annuity is payable under this section, the age of the person at the beginning of the month in which he commenced to receive a disability allowance will be taken into account in applying the reduction factors provided for in section 14.

s. 13 (3), (6), amended

5.—(1) Clause b of subsection 3 of section 13 of the said Act is amended by striking out "with the approval of the Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "subject to subsection 6".

s. 13 (4), amended

(2) Subsection 4 of the said section 13 is amended by striking out "with the approval of the Lieutenant Governor in Council" in the second and third lines and inserting in lieu thereof "subject to subsection 6".

s. 13 (5), amended

(3) Subsection 5 of the said section 13 is amended by striking out "with the approval of the Lieutenant Governor in Council" in the eleventh line and inserting in lieu thereof "subject to subsection 6".

s. 13, amended

(4) The said section 13 is further amended by adding thereto the following subsection:
(6) If a contributor or former contributor has been dismissed from the public service no annuity shall be paid, without the approval of the Lieutenant Governor in Council, under clause b of subsection 3 or under subsection 4 or 5.

6.—(1) Subsection 3 of section 14 of the said Act is repealed.

(2) Subsection 4 of the said section 14 is amended by adding "or" at the end of clause b and by adding thereto the following clause:

(c) in the case of a person who retires or ceases to be employed in the public service before attaining the age of sixty-five years, until he attains the age at which he becomes entitled to a retirement pension under the Canada Pension Plan or commences to receive a disability pension under the Canada Pension Plan.

(3) Subsection 5 of the said section 14 is repealed and the following substituted therefor:

(5) The amount of every annuity shall be further reduced or reduced, as the case may be, at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity.

(4) Subsection 10 of the said section 14 is amended by inserting after "other" in the seventh line "than".

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

18. Where a contributor who,

(a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or

(b) is found by the Board to be unable to perform his or her duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he or she is not entitled to a disability allowance or annuity; or

(c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or widower or a child or children under the age of eighteen years,
twice the amount of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his widow or her widower or child or children, as the case may be.

8.—(1) Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:

(3) Where a person who was receiving an allowance or an annuity dies without having attained the age of sixty-five years at the date of his death, the allowance or annuity payable to the widow, or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age.

(2) Clauses a and b of subsection 8 of the said section 20 are repealed.

9.—(1) Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause c, by adding “or” at the end of clause d, and by adding thereto the following clause:

(e) the staff of any university in Ontario or of any college of applied arts and technology to which The Department of Colleges and Universities Act, 1971 applies.

(2) Subsection 2 of the said section 28, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause c, by adding “or” at the end of clause d, and by adding thereto the following clause:

(e) the staff of any university in Ontario or of any college of applied arts and technology to which The Department of Colleges and Universities Act, 1971 applies.

10. This Act comes into force on the day it receives Royal Assent.

11. This Act may be cited as The Public Service Superannuation Amendment Act, 1971 (No. 2).