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3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to enable the Public Servants of
the Province to establish a Superannua-
tion and Annuity Fund.

Received and read first time, Friday, 4th
May, 1860.

Second reading, Tuesday, 8th May, 1860.

HON. MR. SHERWOOD.

An Act to enable the Public Servants of the Province to establish a Superannuation and Annuity Fund.

WHEREAS it will be equally for the advantage of the Province and of its Public Servants, that provision be made for the retirement of the latter on fair terms, whenever by age or infirmity of body or mind, they become incompetent to the efficient discharge of their official duties: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. This Act applies to every person in the departments of the Public Service of the Province mentioned in the Schedule hereunto annexed, receiving a yearly salary of a permanent character for his services, except persons entering the Civil Service after the passing of this Act, and being, when they enter it, over fifty-five years of age, who shall neither contribute to the Fund hereinafter mentioned nor be entitled to any allowance or benefit therefrom.

To whom this Act applies.

2. There shall be a Fund for the purposes of this Act, to be called the "Public Service Superannuation and Annuity Fund:"

Fund, and by whom managed.

2. The said Fund shall, subject to the provisions of this Act or of any order in Council made under it, be managed by the Civil Service Board, to be composed of the Deputy Heads of Departments under the Act respecting the Civil Service generally, and the Clerk of each House of the Provincial Legislature.

3. The said Fund shall be formed as follows:

How the Fund shall be formed.

1. Out of the moneys appropriated for the Civil Service and the collection of the Revenue, the sum of thirty thousand dollars may be paid into the said Fund yearly, for the seven years next after the first day of January, 1860;

Government allowance.

2. There shall be deducted from the salary of every person in the Civil Service of the Province to whom this Act applies, and paid into the said Fund,—two and a half per cent per annum on such salary, if it does not exceed six hundred dollars per annum,—and three per cent if it exceeds six hundred dollars per annum; and such percentage shall be deducted *pro rata* from each payment on account of such salary;

Deductions from salaries.

Portion of increase of salaries.

3. Whenever the salary of any person in the Civil Service is increased, either by his promotion or otherwise, a sum equal to the increase for the first two months, shall be paid by such person to the said Fund, in two monthly payments or in one quarterly payment, (according as such salary is payable monthly or quarterly) to be deducted from his salary as it becomes due; 5

From superannuation allowance, &c., in certain cases.

4. There shall be deducted from the Superannuation Allowance granted to any person under this Act, who has not, before becoming entitled to the same, contributed during at least seven years to the said Fund, through such deduction as aforesaid, and from the annuity to the widow of such person, if the case requires it,—the same percentage as would be payable on a salary of like amount, until the period during which such deductions have been made from the salary, Superannuation allowance, (and annuity to the widow, if the case requires it,) amounts to seven years, after which such deduction shall cease; and the sums so deducted shall be paid into the said Fund; 10 15

The sums arising from the deductions aforesaid shall be paid over to the Receiver General; 20

Power to increase the percentages when necessary to meet charges.

Provided that if it be at any time apparent that the said Fund will not suffice to meet the charges upon it, the Civil Service Board may, with the approval of the Governor in Council, increase equally the two percentages to be deducted as above provided from salaries, to such rates as may be necessary to enable the Fund to meet the charges upon it, and may again reduce the percentages to the amount above mentioned, when such increased percentages are no longer necessary. 25

In what cases superannuation allowances may be granted.

1. Subject to the conditions and exceptions hereinafter made,—the Governor in Council may allow any person to whom this Act applies, and who has then been in the Civil Service for seven years or upwards, to retire therefrom upon a Superannuation allowance,—when he has attained the age of sixty-five years,—or is incompetent from infirmity of body or mind efficiently to discharge his official duties; and such Superannuation allowance shall be at the following rates per annum: 30 35

Rate of allowance.

1. If such person has, when he retires, been in the Civil Service seven years, his superannuation allowance shall be twenty per cent of his salary;

Rate of allowance.

2. If he has then been in the Civil Service for more than seven years, the said retiring allowance shall be increased by two and a half per cent on his salary for each year of service beyond seven years, up to thirty-five years service, when the retiring allowance will be ninety per cent of such salary, after which there shall be no further increase; 40 45

3. The salary upon which the superannuation allowance is to be calculated, shall be that actually received immediately before retiring, unless the person retiring is sixty-five years of age or upwards, in which case it shall be the average salary received during the then last three years.

On what salary to be calculated.

5. But no person shall be entitled to retire on a Superannuation allowance, unless he obtains from the Head of his Department a certificate that he has, up to the date of the event in consequence of which he claims the right so to retire, performed his official duties with diligence and fidelity, and has been in the Civil Service for seven years or upwards :

Conditions of allowance.

2. No person, under the age of sixty-five years, shall be entitled to retire on a superannuation allowance, unless in addition to the certificate last mentioned, he obtains also, from the Head of his Department, a certificate that he is unable, from infirmity of body or mind, to discharge his official duties ;

Further condition.

3. Such certificates shall, as regards any fact of which the Head of the Department is not personally cognizant, be based upon such medical and other evidence as the Head of the Department deems sufficient and a memorandum of which shall accompany the certificate ;

Certificates.

4. Retirement at the age of sixty-five years or afterwards may be made compulsory by the Governor in Council in any case, or class of cases, or generally ;

Retirement compulsory in certain case.

5. Any person, who has retired on a Superannuation allowance for any cause except age, may on the ceasing of such cause before he attains the age of sixty-five, be required by the Governor in Council to resume his official duties on pain of losing his Superannuation allowance, but in that case the time during which he was on a Superannuation allowance shall be allowed in his term of service.

Resuming duty in certain cases.

6. Any person to whom this Act applies, voluntarily retiring from the Civil Service and not entitled to a Superannuation allowance, shall have one half the amount he has contributed to the said Fund returned to him without interest ;—but if he re-enters the Civil Service at any time thereafter, the said amount shall be repaid by him to the Fund when he re-enters, with interest at six per cent per annum, otherwise his service before retiring shall not be reckoned in his term of service in computing any Superannuation allowance to which he may thereafter become entitled.

Persons retiring voluntarily.

7. Subject to the exceptions hereinafter made—If any person to whom this Act applies, dies in the Civil Service or while receiving a Superannuation allowance, his widow shall be entitled for life or until re-married, to an annuity equal to one

Allowance to widow.

half the Superannuation allowance which her husband received, or to which he would, at the time of his decease, have been entitled on retiring :

Condition. But such widow shall not be entitled to any such annuity unless she was married to such person as aforesaid at least one year before his decease ; 5

Condition. Nor shall the widow of any person who, at the time of the passing of this Act, is over the age of sixty-five years, or then otherwise entitled to retire on a Superannuation Allowance, be entitled to any such annuity. 10

Allowance to orphan children. 8. The orphan children of any person whose widow received or would have been entitled to receive an annuity under the next preceding section, may be allowed out of the said Fund annuities to be fixed by a Committee of the Civil Service Board according to the circumstances in which such orphans are left, but not exceeding in the whole the annuity which his widow received or would have been entitled to : 15

Exception. Except that in no case shall such annuity be paid to any such orphan above the age of twenty-one years, or to any orphan whose father's widow is then receiving an annuity under this Act. 20

Payment of allowances, &c. 9. All allowances and annuities under this Act shall be payable quarterly, and *pro rata* for any broken period.

Orders in Council for carrying out this Act. 10. Subject always to the express provisions of this Act, the Governor in Council may from time to time make such orders and regulations as he deems expedient for giving it effect, or as to its application in any case not expressly provided for,---for the investment and management of the said Fund,---and for the payment of the allowances and annuities under it,---and may from time to time amend or revoke such orders or regulations or any of them and make others in their stead. 30

Returns to Parliament. 11. A return of Superannuation Allowances and Annuities under this Act, made up to the thirty-first day of December in each year, shall be annually laid before the Legislature by the Receiver General of the Province, within fifteen days after the commencement of the Session next thereafter, showing the Allowances and Annuities payable on the first day of January, in the year for which the return is made, the further Allowances and Annuities granted within the said year, with the particulars of each case, the Allowances and Annuities which have ceased within the said year, and the Allowances and Annuities which remain payable during the following year, also the state of the Superannuation and Annuity Fund, and the amount of payments made from it, and of Revenue paid into it during the year then last ended. 45

SCHEDULE.

Departments, to persons holding appointments in which, and receiving yearly salaries of a permanent character, this Act applies.

1. Governor's Secretary's office.
2. Executive Council office.
3. Provincial Secretary's office.
4. Provincial Registrar's office.
5. Department of the Minister of Finance, including the Customs and Audit Branches, but not the Excise.
6. Receiver General's Department.
7. Postmaster General's Department, and Postal Service generally.
8. Crown Lands Department.
9. Public Works Department.
10. Bureau of Agriculture and Statistics.
11. Adjutant General of Militia's Department.
12. Crown Law Departments for Upper and for Lower Canada respectively.
13. Education Departments, for Upper and for Lower Canada respectively.
14. The Indian Department.
15. Legislative Council.
16. Legislative Assembly.