

APPENDIX

LEGAL OPINION RESPECTING SUPPLY ALLOCATIONS

DEPARTMENT OF JUSTICE

Ottawa 4,
November 10, 1966.

211078

Dr. F. G. Davidson,
Secretary,
The Treasury Board,
OTTAWA, Ontario.

Dear Dr. Davidson:

I refer to your discussion with Mr. Driedger today with respect to certain questions which you raised relating to the issue of mid-month salary cheques, and wish to confirm the opinions expressed to you by him.

I understand that your first question concerns the issue of cheques to persons employed in departments to which Parliament has granted full supply. The view expressed to you was that, having regard to the Appropriation Act No. 6, 1966, wherein full supply was granted in respect of certain estimates items including the administration votes of a number of departments, there is no legal impediment to payment out of the votes thereby approved to which salaries may be charged to employees in the departments concerned. This opinion, of course, assumes a sufficient balance in such votes to cover the payments.

Your second question concerns the payment of amounts in respect of departments which have received only a certain amount by way

of interim supply. As I understand it, these departments have sufficient unencumbered balances as a result of the enactment of the Appropriation Acts No. 3, No. 5 and No. 7, 1966 in appropriate estimates items out of which salaries may be paid to cover payment to the employees therein of their mid-month salaries. I see no legal impediment to payment in this case, subject to any applicable provision of the Financial Administration Act being complied with.

Your third question concerns the remaining departments wherein the items, out of which salaries may be paid and for which Parliament has provided interim but not full supply by the Appropriation Acts No. 3, No. 5 and No. 7, 1966, do not now contain sufficient remaining moneys from such interim supply to meet the mid-month salary payments. It would be proper, in my view, to supplement the moneys already voted by Parliament for the purpose of paying salaries to employees of these departments in this fiscal year by the moneys provided by the Appropriation Acts referred to for item 15 of the main estimates of the Department of Finance relating to contingencies and providing authority, subject to the approval of the Treasury Board, to supplement other votes. This item permits the supplementing of votes or items in respect of which funds have been appropriated, in whole or in part.

Yours truly,

D. Maxwell

Acting Deputy Attorney General.