

DEPARTMENT OF JUSTICE

388/33

OTTAWA, 21st June, 1933.

DEAR SIR,—I beg to refer to your letter of the 27th February last, and to the second question submitted for my opinion, and left in abeyance by my letter of the 11th March last, namely, whether it is within the competence of the Governor-in-Council, under the provisions of the Civil Service Superannuation Act to declare that the Radio Commission is a branch or portion of the public service for the purposes of the said Act.

Having considered this question, I am of opinion that the members of the staff of the Commission may properly be regarded as employees or servants of the Crown, and that it would, therefore, be competent for the Governor-in-Council to designate the positions on the staff of the Commission part of the Civil Service for the purposes of the said Act.

Yours faithfully,

(Sgd.) W. STUART EDWARDS,
Deputy Minister of Justice.

W. C. CLARK, Esq.,
Deputy Minister of Finance,
Ottawa.

By the Acting Chairman:

Q. That will apply to the other cases too that are enumerated in the same brief and attached thereto?—A. Not quite, Mr. Chairman, because the Act was amended in 1933, and it really placed the employment of the personnel of the commission on a different basis. If you wish, I might, perhaps, explain the submission further. I have taken a few notes here that might clear up any question as to my being allowed to keep the privileges of the Civil Service Superannuation Act.

By Mr. Francœur:

Q. Before proceeding any further, Col. Landry, you state on page 3 of your submission, "action apparently was not taken to secure approval by the governor in council with the result that my contributions were not accepted by the Department of Finance while I was an employee of the radio commission." Following the opinion given by the Deputy Minister of Justice which is attached to your submission, were any representations made to the governor in council?—A. No, sir.

Q. Why?—A. I do not know the exact reason why; but I assume at the time the radio commission was striving for more flexible action in respect to its own appointments and was trying to get away from the Civil Service Act, and that might have been one of the causes. That is only a surmise. I do not know the exact reason. For some reason or other it was never brought up before council.

Q. Why did the deputy minister give an opinion?—A. We did not ask it. What happened was this: in the month of February, 1933, the representative of the treasury for the radio commission forwarded my contribution to the superannuation fund and this was returned by the Department of Finance with a note that the Canadian Radio Broadcasting Commission's employees were not to be considered as contributors under the Superannuation Act. The Department of Finance took up the question themselves with the Department of Justice, and the opinion of the Department of Justice was an answer to the Department of Finance enquiry.