



PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [*Table of Public Acts*](#).

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CHAPTER F-9

FINANCIAL ADMINISTRATION ACT

- 1. In this Act,**
- | | Definitions |
|---|--------------------|
| (a) “appropriation” means any authority of the Legislature to pay money out of the Operating Fund; | appropriation |
| (a.1) “appropriation vote” means the total funds appropriated for each department or Crown corporation set out as a separate amount in the Schedules to the <i>Appropriation Act</i> for a fiscal year; | appropriation vote |
| (b) “auditor” in relation to a reporting entity, means the person authorized by law to audit the accounts of the reporting entity; | auditor |
| (c) “Auditor General” means the person appointed to hold the office of Auditor General under the <i>Audit Act</i> R.S.P.E.I. 1988, Cap. A-24; | Auditor General |
| (d) “bank” means a bank governed by an Act of Parliament; | bank |
| (e) “Board” means the Treasury Board constituted under the <i>Executive Council Act</i> R.S.P.E.I. 1988, Cap. E-12; | Board |
| (f) “Comptroller” means the person appointed as Comptroller under section 18; | Comptroller |
| (g) repealed by 1996, c.15, s.1; | Consolidated Fund |
| (h) “Crown corporation” means a corporation which is | Crown corporation |
| (i) established by an Act or incorporated under the <i>Companies Act</i> R.S.P.E.I. 1988, Cap. C-14, | |
| (ii) accountable to a Minister or through a Minister to the Legislative Assembly for the conduct of its affairs, | |
| and includes a corporation | |
| (iii) in which the Government owns a majority of the shares carrying the right to appoint at least a majority of the members of the board of directors; | |
| (iv) in which the Government owns the net assets of the corporation such that the Government has the ongoing right to access them, | |
| (v) in which the Government controls the financial and operating policies of that organization without relying on the cooperation of others, | |
| (vi) which is stated to be a Crown agent by its Act of Incorporation or by this Act, or | |
| (vii) which is included in Schedule B; | |

department	(i) “department” means a department or division of the public service named in Schedule A;
educational institution	(j) “educational institution” means a public post-secondary educational institution;
financial institution	(j.1) “financial institution” means <ul style="list-style-type: none"> (i) a bank, (ii) a body corporate to which the <i>Trust and Loan Companies Act</i> (R.S.C. 1985 Chap. T-19.8 applies, (iii) a cooperative credit society to which the <i>Cooperative Credit Associations Act</i> R.S.C. 1985, Chap. C-41.01 applies, (iv) an insurance company to which the <i>Insurance Companies Act</i> R.S.C. 1985, Chap. I-11.8 applies, (v) a trust, loan or insurance corporation or a cooperative credit society incorporated under an Act or an Act of another province, (vi) an entity, whether incorporated or formed under an Act of Canada or a province, that is primarily engaged in dealing in securities, including portfolio management and investment counselling;
fiscal year	(k) “fiscal year” means the period beginning on April 1 in one year and ending on March 31 in the next year;
Minister	(l) repealed by 1993,c.29,s.3;
money	(m) “money” includes negotiable instruments;
money paid to the province for a special purpose	(n) “money paid to the province for a special purpose” includes all money paid to a public officer under a statute, trust, treaty, undertaking or contract, to be disbursed for a purpose specified in such statute, trust, treaty, undertaking or contract;
negotiable instrument	(o) “negotiable instrument” includes any cheque, draft, traveller’s cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;
Operating Fund	(p) “Operating Fund” means the aggregate of all public moneys that are on hand and on deposit to the credit of the province;
Provincial Health Services Authority public money	(p.1) repealed by 2005,c.39,s.10; (q) “public money” means all money belonging to the province received or collected by the Provincial Treasurer or any public officer in his official capacity or any person authorized to receive or collect such money, and includes <ul style="list-style-type: none"> (i) revenues of the province, (ii) money borrowed by the province or received through the sale of securities,

(iii) money received or collected for or on the behalf of the province, and

(iv) money paid to the province for a special purpose;

(r) repealed by 2005,c.39,s.10;

regional authority

(s) “reporting entity” means an organization that is accountable for the administration of its financial affairs and resources to a Minister or through a Minister to the Legislative Assembly and includes those listed in Schedule B, C or D. 1980,c.21,s.1; 1983,c.1,s.6; 1983,c.33,s.66; 1986,c.5,s.2; 1993,c.29,s.3; 1996,c.15,s.1; 2001,c.35,s.1; 2002,c.29,s.22; 2005,c.39,s.10.

reporting entity

PART I TREASURY BOARD

- 2.** The Board shall act for the Executive Council in relation to
- (a) general policy on the administration of the public service of Prince Edward Island;
 - (b) the organization of the public service or any portion thereof, the control of the establishments therein and the determination of terms and conditions of employment of persons employed therein;
 - (c) the preparation of the Estimates of Revenue and Expenditure and the review of expenditure plans and programs and the recommendation of priorities in respect thereof;
 - (d) financial management, including estimates, expenditures, financial commitments, accounts, fees or charges for the provision of services or the use of facilities, rentals, licenses, leases, revenues from the disposition of property, and procedures by which departments or reporting entities manage, record and account for revenues received or receivable from any source; and
 - (e) such other matters as may be referred to it by the Lieutenant Governor in Council. 1980,c.21,s.2; 1996,c.15,s.2.

Functions

- 3. (1)** The Board shall
- (a) prepare the Estimates of Revenue and Expenditure;
 - (b) direct the manner and form in which the appropriation accounts of the province are to be kept;
 - (c) establish procedures for the processing and approval of the transfer of funds between appropriation accounts;
 - (d) set rules and guidelines for the administration of departments; and
 - (e) direct the coordination of administrative functions among and within departments and reporting entities.

Duties

- (2)** The Board may

Powers

- (a) require from any public officer or any agent of Her Majesty any account, return, statement, document, report or information that the Board considers necessary for the performance of its functions;
- (b) establish or abolish positions within the civil service; and
- (c) take such action as it considers necessary for the efficient administration of the public service. 1980,c.21,s.3; 1996,c.15,s.3.

Delegation of authority	4. (1) The Lieutenant Governor in Council may, by order, authorize the Board to exercise any of the powers of the Lieutenant Governor in Council in relation to the management of the financial affairs of the province.
Directions	(2) The Board in the exercise of its powers under this or any other Act is subject to any direction given to it by the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by order, amend or revoke any decision of the Board. 1980,c.21,s.4.
Definitions	4.1 (1) In this section
applicant	(a) “applicant” means an individual or corporation that has applied under an enactment to a Minister or a public officer, as the case may be, for the issuance, grant or renewal of a license or permit;
applicant’s guarantee	(a.1) “applicant’s guarantee” means a guarantee for the payment of any debt or obligation that an applicant, under a contract or agreement, <ul style="list-style-type: none"> (i) has provided, before, on or after the day this section comes into force, to Her Majesty in right of the province or to a Crown corporation for the benefit of a third party, and (ii) is legally obliged to fulfill;
contract, agreement	(a.2) “contract” or “agreement” includes a guarantee;
corporation	(b) “corporation” includes a partnership, cooperative association or body corporate, whether formed or incorporated under the law of this province or any other province or of Canada or outside of Canada;
guarantee	(c) “guarantee” includes an indemnity or surety;
license or permit	(d) “license or permit” means a license or permit that <ul style="list-style-type: none"> (i) is authorized to be issued, granted or renewed under an enactment, and (ii) is of a class or type prescribed by the regulations;
financial assistance	(e) “financial assistance” means any loan, any payment of a debt or obligation under a guarantee, and any other financial assistance, including any loan, payment or financial assistance of a class or type prescribed by the regulations, that

- (i) Her Majesty in right of the province or a Crown corporation has provided, before, on or after the date this section comes into force, to an applicant, or to a third party for the benefit of the applicant, under a contract or agreement, and
- (ii) the applicant is legally obliged to repay to Her Majesty in right of the province or to a Crown corporation;

(2) Repealed by 2003,c.37,s.1.

Default

(3) Repealed by 2003,c.37,s.1.

Default

(4) For the purposes of this section, a corporation and another corporation shall be deemed to be one corporation if

More than one corporation deemed one

- (a) the corporation and the other corporation are directly or indirectly controlled by the same person, group or organization; or
- (b) the shares or assets of the corporation are held by the other corporation.

(5) Notwithstanding any provision of any other enactment, the Board may, in its absolute discretion and in accordance with this section, direct a Minister or public officer, as the case may be, to refuse to issue, grant or renew a license or permit to an applicant who is, in the opinion of the Board, in default of any debt or obligation in relation to

Direction to refuse to issue or renew license or permit

- (a) any financial assistance that has been provided to the applicant or to a third party for the benefit of the applicant; or
- (b) any applicant's guarantee that has been provided by the applicant.

(6) Where the Board has decided to make a direction pursuant to subsection (5), it shall, at least 15 days in advance of making the direction, provide the applicant and the Minister or public officer, as the case may be, with written notice of its decision.

Written notice

(7) Notwithstanding any provision of any other enactment, a Minister or public officer shall not issue, grant or renew a license or permit

Effect of notice or direction

- (a) for a period of 20 days following the receipt of a notice referred to in subsection (6), unless a direction referred to in subsection (11) is received before the expiry of that period; or
- (b) on receipt of a direction referred to in subsection (5), unless a further direction referred to in subsection (10) is subsequently received.

(8) An applicant may, within 15 days of the date of the notice given under subsection (6), make arrangements satisfactory to the Board for

Arrangement for repayment of loan or payment of debt

- (a) the repayment of the financial assistance; or
- (b) the payment of the debt or obligation in respect of which the applicant's guarantee was given,

as the case may be.

Arrangements
unsatisfactory to
Board

(9) Where, within the time period referred to in subsection (8), the applicant does not make arrangements satisfactory to the Board for repayment of the financial assistance, or for the payment of a debt or obligation under an applicant's guarantee, the Board may make a direction under subsection (5).

Refusal to issue
license or permit

(9.1) Where a Minister or public officer receives a direction made under subsection (5), the Minister or public officer shall refuse to issue, grant or renew the license or permit.

Direction to
disregard prior
direction

(10) Where, after the time period referred to in subsection (8), the applicant makes arrangements satisfactory to the Board for the repayment of the financial assistance, or for the payment of a debt or obligation under an applicant's guarantee, the Board shall direct the Minister or public officer, as the case may be, to disregard a prior direction made by the Board under subsection (5).

Direction to
disregard notice

(11) Where, before the expiry of the time period referred to in subsection (8), the applicant makes arrangements satisfactory to the Board for the repayment of the financial assistance, or for the payment of a debt or obligation under an applicant's guarantee, the Board shall direct the Minister or public officer, as the case may be, to disregard the notice provided under subsection (6).

Notice deemed
given on mailing
date

(12) Any notice required to be provided or given under this section shall be deemed to have been provided or given four days after it was mailed.

Decision final

(13) A decision or direction of the Board, and a refusal of a Minister or public officer to grant or renew a license or permit, that is made or given pursuant to this section is final and conclusive for all purposes and shall not be questioned or reviewed in any court by way of an application for judicial review or otherwise. 2002,c.11,s.1; 2003,c.37,s.1.

Definitions

4.2 (1) In this section

contract, agreement

(a) "contract" or "agreement" includes a guarantee;

corporation

(b) "corporation" means a corporation as defined in clause 4.1(1)(b);

financial assistance

(c) "financial assistance" means any loan, any payment of a debt or obligation under a guarantee, and any other financial assistance, including any loan, payment or financial assistance of a class or type prescribed by the regulations, that

(i) Her Majesty in right of the province or a Crown corporation has provided, before, on or after the date this section comes into

force, to a licensee or permit holder, or to a third party for the benefit of a licensee or permit holder, under a contract or agreement, and

(ii) the licensee or permit holder is legally obliged to repay to Her Majesty in right of the province or to a Crown corporation;

- (d) “guarantee” includes an indemnity or surety; guarantee
- (e) “license” or “permit” means a license or permit that license, permit
- (i) has been issued, granted or renewed under an enactment, and
- (ii) is of a class or type prescribed by the regulations;
- (f) “licensee” means a person who holds a license; licensee
- (g) “licensee’s or permit holder’s guarantee” means a guarantee for the payment of any debt or obligation that a licensee or permit holder, under a contract or agreement, licensee’s or permit holder’s guarantee
- (i) has provided, before, on or after the date this section comes into force, to her Majesty in right of the province or to a Crown corporation for the benefit of a third party, and
- (ii) is legally obliged to fulfill;
- (h) “permit holder” means a person who holds a permit. permit holder

(2) For the purposes of this section, a corporation and another corporation shall be deemed to be one corporation if More than one corporation deemed one

- (a) the corporation and the other corporation are directly or indirectly controlled by the same person, group or organization; or
- (b) the shares or assets of the corporation are held by the other corporation.

(3) Notwithstanding any provision of any other enactment, the Board may, in its absolute discretion and in accordance with this section, direct a Minister or public officer, as the case may be, to revoke the license or permit of a licensee or permit holder who is, in the opinion of the Board, in default of any debt or obligation in relation to Direction to refuse to issue or renew license or permit

- (a) any financial assistance that has been provided to the licensee or permit holder, or to a third party for the benefit of the licensee or permit holder; or
- (b) any licensee’s or permit holder’s guarantee that has been provided by the licensee or permit holder.

(4) Where the Board has decided to make a direction pursuant to subsection (3), it shall, at least 15 days in advance of making the direction, provide the licensee or permit holder and the Minister or public officer, as the case may be, with written notice of its decision. Written notice

Arrangement for repayment of financial assistance or payment of debt	(5) A licensee or permit holder may, within 15 days of the date notice was given under subsection (4), make arrangements satisfactory to the Board for <ul style="list-style-type: none"> (a) the repayment of the financial assistance; or (b) the payment of the debt or obligation under a licensee's or permit holder's guarantee, as the case may be.
Arrangements unsatisfactory to Board	(6) Where, within the time period referred to in subsection (5), the licensee or permit holder does not make arrangements satisfactory to the Board for the repayment or payment referred to in that subsection, the Board may make a direction under subsection (3).
Revocation of license or permit	(7) Where a Minister or public officer receives a direction made under subsection (3) to revoke a license or permit, the Minister or public officer shall revoke the license or permit.
Direction to disregard notice	(8) Where, before the expiry of the time period referred to in subsection (5), the licensee or permit holder makes arrangements satisfactory to the Board for <ul style="list-style-type: none"> (a) the repayment of the financial assistance, or (b) the payment of a debt or obligation under the licensee's or permit holder's guarantee, as the case may be, the Board shall direct the Minister or public officer to disregard the notice provided under subsection (4).
Notice deemed given 4 days after mailing date	(9) Any notice required to be provided or given under this section shall be deemed to have been provided or given four days after the date on which the notice was mailed.
Decision final	(10) A decision or direction of the Board, and a revocation by a Minister or public officer of a license or permit, that is made pursuant to this section is final and conclusive for all purposes. 2003,c.37,s.2.

PART II
SELF-INSURANCE AND RISK MANAGEMENT FUND

Definitions	5. In this Part
Board	(a) "Board" means the Treasury Board;
Fund	(b) "Fund" means the Prince Edward Island Self-Insurance and Risk Management Fund established under section 6;
insurable entity	(c) "insurable entity" means <ul style="list-style-type: none"> (i) a department, (ii) a reporting entity,

- (iii) a body, other than one referred to in clause (i) or (ii) that is prescribed by the regulations, or
- (iv) a person who is of a class or type prescribed by the regulations;

(d) “insured” means an insurable entity who is covered by a policy; insured

(e) “policy” means an insurance policy issued by the Board under section 9. 1988,c.23,s.1; 1993,c.29,s.3; 1996,c.15,s.4; 2003,c.37,s.3. policy

6. (1) There is hereby established a fund to be known as the Prince Edward Island Self-Insurance and Risk Management Fund. Fund established

(2) The Board shall hold and administer the Fund in accordance with this Act. Administration

(3) The Board shall establish and maintain a separate accounting record of the Fund. 1988,c.23,s.1. Accounting

7. (1) The Board shall appoint an advisory committee to advise the Board with respect to the Fund. Advisory committee

(2) The advisory committee shall include persons appearing to the Board to be representative of insureds. 1988,c.23,s.1. Idem

8. The Board may delegate to the secretary of the Board authority to conduct any of the business of the Fund. 1988,c.23,s.1. Delegation

9. The Board may Powers

- (a) issue an insurance policy, in respect of which a claim may be made against the Fund, to an insurable entity who
 - (i) pays the premiums, if any, and
 - (ii) meets such other conditions, if any,
 as may be required by the policy, this Act or the regulations made under this Act, or by any other enactment;
 - (a.1) investigate, report on and adjust insurance risks, losses and claims, and investigate and report on an insured or prospective insured;
 - (a.2) hire or retain lawyers, actuaries and other experts to defend claims against an insured and to assist in or conduct the investigations, reports and adjustments referred to in clause (a.1);
 - (b) set the amount and require the payment of premiums;
 - (c) reinsure with any other insurer risks or any portion thereof;
 - (d) advise and assist insureds in the implementation and administration of risk management programs;
 - (e) invest its funds in investments authorized by section 27;
 - (f) exercise such powers and perform such duties as are conferred or imposed upon it by or under this or any other Act;

(g) perform such other functions as are prescribed by the regulations. 1988,c.23,s.1; 2003,c.37,s.4.

Receipts

10. The Board shall receive into the Fund

- (a) amounts paid by or in respect of an insured for or under a policy;
- (b) income earned on monies on deposit to the credit of the Fund or invested by it;
- (c) money required to be paid into the Fund pursuant to the regulations; and
- (d) any monies, including court costs, recovered pursuant to the enforcement of the rights, under a policy, of Her Majesty in right of the province. 1988,c.23,s.1; 2003,c.37,s.5.

Expenditures

11. The Board shall pay out of the Fund

- (a) amounts payable out of the Fund under a policy;
- (b) the cost of any policy entered into with an insurance company;
- (c) such other costs related to the efficient management of the Fund including the costs of
 - (i) investigating and adjusting any claim,
 - (ii) legal services,
 - (iii) risk management studies,
 - (iv) expert opinions,
 - (v) court costs,
 - (vi) such other things as the Board may determine. 1988,c.23,s.1; 2003,c.37,s.6.

Confidentiality of information

12. The Board and the Advisory Committee shall preserve the confidentiality of information received in respect of the business of any claim or of any insured in the course of their duties and shall not disclose that information to any person except under the specific or general direction of the Board or where required by law. 1988,c.23,s.1.

Application of Insurance Act

13. The *Insurance Act* R.S.P.E.I. 1988, Cap. I-4, except Parts I and II and sections 338 to 368, applies to the operation of the Fund. 1988,c.23,s.1.

PART III
DEPARTMENT OF THE PROVINCIAL TREASURY

Responsibilities of Provincial Treasurer

14. (1) The Provincial Treasurer shall have the management and direction of the Department of the Provincial Treasury, the Operating Fund, the public debt, federal-provincial fiscal relations, and supervision, control and direction of all matters relating to the financial affairs, accounts, revenues, payments and expenditures of the province which are not by law assigned to the Board or any other Minister.

(2) The Provincial Treasurer may enter into and execute agreements or engage in activities of a financial nature respecting the investment of public money or the management of the public debt, including agreements for management of risks relating to currency, interest rates and other matters, swap agreements, futures agreements, option agreements, rate agreements, and any master agreement in respect of such agreements. 1980,c.21,s.5; 1983,c.1,s.6; 1986,c.5,s.2; 1993,c.29,s.3; 1997,c.17,s.1; 1998,c.3,s.2.

Financial agreements

PART III.I SPECIAL PROJECTS FUND

14.1 In this Part

Definitions

- (a) “Board” means the Prince Edward Island Special Projects Fund Board established pursuant to subsection 14.2(2); Board
- (b) “Fund” means the Prince Edward Island Special Projects Fund established pursuant to subsection 14.2(1) and these funds shall be the Fund
- (i) Health Care Stabilization Fund,
 - (ii) Development Fund,
 - (iii) Health Research Fund,
 - (iv) Sustainable Resource Support Fund,
 - (v) Community Development Fund, and
 - (vi) Education Stabilization Fund. 1999,c.25,s.1; 2000,c.4,s.1.

14.2 (1) There is established a fund to be known as the Prince Edward Island Special Projects Fund. Fund established

(2) There is established a Prince Edward Island Special Projects Fund Board consisting of Board established

- (a) the Premier;
- (b) the Provincial Treasurer; and
- (c) one other Minister appointed by the Premier and the Provincial Treasurer.

(3) The Board shall hold and administer the Fund in accordance with this Act. Administration

(4) The Board shall establish and maintain a separate accounting record of the Fund. 1999,c.25,s.1. Accounting

14.3 The Board may appoint

Secretary to the Board

- (a) the Director of Fiscal Management; or
- (b) any other employee of a Department the Board considers appropriate,

to act as secretary to the Board. 1999,c.25,s.1.

Delegation

14.4 The Board may delegate to the secretary of the Board authority to conduct any of the business of the Fund. 1999,c.25,s.1.

Powers

14.5 The Board may

- (a) invest its funds in investments authorized by section 27;
- (b) recommend to Executive Council the establishment of programs for which there is no appropriation or the amount of the appropriation is insufficient;
- (c) exercise any powers and perform any duties conferred or imposed upon it pursuant to this or any other Act; and
- (d) perform any other functions prescribed by regulation. 1999,c.25,s.1.

Receipts

14.6 The Board shall receive into the Fund

- (a) the amount allocated to it in any year by Executive Council;
- (b) income earned on monies on deposit to the credit of the Fund or invested by it; and
- (c) amounts required to be paid into the Fund pursuant to the regulations. 1999,c.25,s.1.

Expenditures

14.7 The Board may disburse out of the Fund

- (a) amounts payable to an entity as allocated under any program which has been established pursuant to the regulations;
- (b) costs related to the efficient management of the Fund; and
- (c) amounts to the Operating Fund. 1999,c.25,s.1.

Regulations

14.8 The Lieutenant Governor in Council may make regulations

- (a) establishing and defining programs through which money may be disbursed;
- (b) determining eligibility criteria; and
- (c) designating the Department responsible for the administration of the program. 1999,c.25,s.1.

Seal

15. The Lieutenant Governor in Council may authorize the seal of the Department of the Provincial Treasury and may prescribe its use on documents. 1980,c.21,s.6; 1983,c.1,s.6; 1986,c.5,s.2.

Agreements with
Canada

16. The Lieutenant Governor in Council may authorize a Minister of the Crown, on behalf of the province or any agency thereof, to enter into agreements with the Government of Canada or any of its agencies to

- (a) borrow money by way of security or otherwise;
- (b) guarantee payment of any obligation; or
- (c) transfer any money,

pursuant to any financial assistance program of the Government of Canada or its agencies. 1980,c.21,s.7.

17. There shall be a Deputy Provincial Treasurer who shall be appointed by the Lieutenant Governor in Council. 1980,c.21,s.8; 1983,c.1,s.6; 1986,c.5,s.2; 1993,c.29,s.3. Deputy Minister

18. There shall be an officer in the Department of the Provincial Treasury called the Comptroller, who shall be appointed by the Lieutenant Governor in Council. 1980,c.21,s.9; 1983,c.1,s.6; 1986,c.5,s.2; 1993,c.29,s.3. Comptroller

19. (1) The Comptroller shall Duties of Comptroller

- (a) ensure the proper receipt, recording and disposition of public money;
- (b) control the account classification;
- (c) control disbursements from the Operating Fund in accordance with this Act;
- (d) maintain, or cause to be maintained, the appropriation and financial accounts relating to the operations of the Operating Fund; and
- (e) prepare the Public Accounts and any financial statements and reports required by the Provincial Treasurer or the Board.

(2) The Comptroller and Director of Fiscal Management, or any person in the Department acting at the direction of the Comptroller or Director, has access to the books of account and other records relating to the accounts of departments. 1980,c.21,s.10; 1993,c.29,s.3; 1996,c.15,s.5; 2001,c.35,s.2. Access to books of account

PART IV PUBLIC MONEY

Operating Fund

20. Save as otherwise provided by an enactment, all public money shall be paid to the Provincial Treasurer and shall form one fund known as the Operating Fund. 1980,c.21,s.11; 1993,c.29,s.3. Operating Fund

21. The Operating Fund shall be charged with Charges against Operating Fund

- (a) all costs, charges and expenses incidental to the collection, management and receipt of public money;
- (b) all loans and other debts contracted by the Lieutenant Governor in Council by the issue of debentures, or otherwise;
- (c) the interest on such loans and debts;
- (d) reserves applicable to the assets and liabilities of the Operating Fund;
- (e) all amounts required to be paid pursuant to agreements under subsection 14(2) and all costs, expenses and charges incurred in

relation to the negotiation and administration of such agreements.
1980,c.21,s.12; 1996,c.15,s.6; 1997,c.17,s.2.

Accounts	22. Accounts for the deposit or disbursement of public money shall be established with such financial institutions as the Provincial Treasurer may designate. 1980,c.21,s.13; 1993,c.29,s.3; 1996,c.15,s.7.
Receipts and records	23. Every person employed in the collection or management or charged with the receipt of public money and every other person who collects or receives public money shall pay all public money to the credit of the Provincial Treasurer and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller may direct. 1980,c.21,s.14; 1993,c.29,s.3.
Overpayments	24. If any tax, duty, fee, fine, penalty or forfeiture is payable or has been paid to the Operating Fund and it appears to the Provincial Treasurer that the amount or any part thereof is not properly payable or is in excess of the amount properly payable to the province, the Provincial Treasurer may credit or repay the amount to the persons entitled thereto. 1980,c.21,s.15; 1993,c.29,s.3.
Refunds	25. Where a refund is due to the Government of Canada, the refund may be accounted for as a diminution of the corresponding revenue account. 1980,c.21,s.16.
Cancellation or discharge of debt due to Crown	26. (1) The Lieutenant Governor in Council may authorize the cancellation, discharge and release, in whole or in part, or extend the time for payment of, any claim, obligation, tax, debt or money due to Her Majesty.
Powers additional	(2) The powers conferred by subsection (1) do not derogate from but are in addition to any other powers granted by any other Act. 1980,c.21,s.17.
Write-off	26.1 (1) The Lieutenant Governor in Council may authorize the write-off, in whole or in part, of any claim, obligation, tax debt or money due to Her Majesty.
Effect on existing rights	(2) A write-off under subsection (1) does not affect the existing rights and obligations between the debtor and Her Majesty. 1996,c.15,s.8.

Investments, Loans and Advances

Authorized investments	27. (1) The Provincial Treasurer may invest money of the Operating Fund, a sinking fund, the Civil Service Superannuation Fund and any other funds for the investment of which no provision is made under any other Act in
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- (a) promissory notes, certificates of deposit, deposit receipts, or other documents evidencing indebtedness given or issued by the Prince Edward Island Credit Union League Limited or a bank in consideration of money deposited with it for payment on a date specified in the draft or note and certified or guaranteed by it;
- (b) in securities issued or guaranteed by the Government of Canada, the government of any province of Canada, the governments of the United States of America or the government of any member of the European Economic Community;
- (c) guaranteed trust certificates or receipts of a trust company that is a member institution as defined in the Canada Deposit Insurance Corporation Act R.S.C. 1985, Chap. C-3;
- (d) any debentures or securities of the City of Charlottetown or City of Summerside or of any city in Canada which is the capital of any province of Canada or has a population of 50,000 or over;
- (e) first mortgages guaranteed under the National Housing Act (Canada) R.S.C. 1985, Chap. N-11;
- (f) first mortgage bonds or debentures of the Island Telephone Company Limited or Maritime Electric Company Limited.

(2) The Provincial Treasurer may sell any securities purchased pursuant to subsection (1) and the proceeds shall be deposited in the Operating Fund or other fund from which the investment was made. Sale of investments

(3) The Provincial Treasurer may place money of the Operating Fund or of a reporting entity on call loans to financial institutions subject to the provision of security of a description referred to in subsection (1). Money on call
 1980,c.21,s.18; 1983,c.15,s.1; 1985,c.16,s.1; 1993,c.29,s.3; 1996,c.15,s.9.

28. (1) The Board may direct the Provincial Treasurer to make loans or advances from the Operating Fund to Loans and advances

- (a) a municipality in Prince Edward Island;
- (b) reporting entity;
- (c) repealed by 1996,c.15,s.10;
- (d) any educational institution in Prince Edward Island;
- (e) any authority responsible for the funding of a sewerage, water or waste management system in Prince Edward Island;
- (f) repealed by 1996,c.15,s.10;
- (g) any person upon the security of a first mortgage of real property in the province.

(2) The Provincial Treasurer shall comply with a direction under subsection (1). Compliance with direction

Terms	<p>(3) The interest rate, term and repayment schedules on loans or advances made under subsection (1) shall be determined by the Provincial Treasurer in accordance with prevailing market conditions but in no case shall</p> <p style="padding-left: 40px;">(a) the interest rate be less than that at which the Provincial Treasurer may borrow for the purpose of the Operating Fund; or</p> <p style="padding-left: 40px;">(b) the repayment period exceed thirty years. 1980,c.21,s.19; 1983,c.33,s.66; 1987,c.25,s.1; 1993,c.29,s.3; 1993,c.35,s.148; 1996,c.15,s.10.</p>
Information	<p>29. The Provincial Treasurer may require borrowers to provide information respecting the repayment of moneys loaned or advanced, or the purposes for which those moneys have been used. 1980,c.21,s.20; 1993,c.29,s.3.</p>
Report to Legislative Assembly	<p>30. (1) The Provincial Treasurer shall, within fifteen days after the beginning of each session of the Legislative Assembly, lay before the Legislative Assembly a report of all loans and advances made under section 28 and of any defaults on investments, loans and advances, and on payments made under subsection 32(2) which have occurred since the last report.</p>
Estimate of loans in current year	<p>(2) The Provincial Treasurer shall, concurrently with the tabling of the estimates, lay before the Legislative Assembly an estimate of the loans and advances that he anticipates will be made in the fiscal year under consideration. 1980,c.21,s.21; 1993,c.29,s.3.</p>
Purchase of shares	<p>31. The Lieutenant Governor in Council may authorize the Provincial Treasurer to purchase shares in any corporation incorporated under the laws of Canada or any province. 1980,c.21,s.22; 1993,c.29,s.3.</p>
Guarantees	
Guarantees	<p>32. (1) The Lieutenant Governor in Council may upon the recommendation of the Board guarantee the payment of a debt or obligation.</p>
Default of primary debtor	<p>(2) Where under this or any other Act a guarantee has been given by the province for the payment of any debt or obligation and default in payment on the due date is made by the primary debtor, the Provincial Treasurer may pay the amount that has been guaranteed out of the Operating Fund.</p>
Provision for loss	<p>(3) When the Provincial Treasurer considers that a loss is likely on a guarantee, he may establish a provision for loss and shall review the provision at the end of each fiscal year, or more frequently, if he considers it necessary. 1980,c.21,s.23.; 1996,c.15,s.11.</p>

Disbursement of Public Money

Estimates

- 33.** Subject to section 37, no payment is to be made out of the Operating Fund without the authority of the Legislative Assembly. 1980,c.21,s.24. Payments
- 34.** (1) The Minister responsible for the administration of each department and reporting entity for which an appropriation is required shall prepare and submit to the Board for review and approval requests for appropriations to operate that department or reporting entity for the ensuing fiscal year and shall supply such information as the Board may require. Departmental requests for appropriations
- (2) On receipt of requests under subsection (1), the Board shall prepare estimates to be submitted by the Provincial Treasurer to the Legislative Assembly in such form as is considered by the Board to adequately describe the appropriations proposed in the Appropriation Act. 1980,c.21,s.25; 1993,c.29,s.3; 1996,c.15,s.12. Preparation of estimates
- 35.** Subject to section 37, no expenditure may be incurred in any fiscal year unless provided for in an appropriation account. 1980,c.21,s.26. Expenditure
- 36.** (1) Subject to subsection (2), the balance of an appropriation voted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse. Unexpended balances
- (2) Where money is paid during the forty-five days immediately following the end of the fiscal year for a debt incurred during that fiscal year, that money may be charged to the appropriation for that fiscal year. 1980,c.21,s.27. Payments for debts incurred in fiscal year

Special Warrants

- 37.** (1) Where Special warrants
- (a) the Legislative Assembly is not in session; and,
- (b) a payment is required for the public good and there is no other appropriation pursuant to which payment may be made, the Lieutenant Governor in Council may order a special warrant prepared, to be signed by the Lieutenant Governor, authorizing payment out of the Operating Fund of the amount specified in the special warrant.
- (2) A special warrant made under this section is deemed to be an appropriation for the fiscal year for which the warrant is made. Deemed an appropriation

Supplementary Appropriation Act (3) Where a special warrant has been issued pursuant to this section, a schedule of the amounts appropriated thereby shall be submitted at the next session of the Legislative Assembly by means of a supplementary Appropriation Act for the amount so appropriated.

Adjournment (4) For the purposes of clauses (1)(a) and subsection 37.1(1), the Legislative Assembly shall be deemed to be not in session when it has been adjourned indefinitely or for a period in excess of thirty days. 1980,c.21,s.28; 1996,c.15,s.13.

TRANSFER OF APPROPRIATED AMOUNTS

Transfers on amalgamation, etc. of departments **37.1** (1) When the Lieutenant Governor in Council
 (a) transfers functions or the control or supervision of any part of the public service from one Minister to another or from one department to another; or
 (b) amalgamates any two or more departments or changes the name of or reorganizes any one or more department,
 the Lieutenant Governor in Council may approve the transfer between departments or aggregation in one department of monies appropriated for the purpose of funding the functions transferred or amalgamated.

Report to Legislative Assembly (2) The Provincial Treasurer shall report all transfers of monies pursuant to subsection (1) to the Legislative Assembly as soon as practicable. 1996,c.15,s.14; 2002,c.26,s.1,2.

Appropriations funding collective agreements **37.2** (1) When the Treasury Board has approved collective agreements which include salary increases for public sector employees, the Lieutenant Governor in Council may approve the transfer of monies appropriated to general government for such purposes and to such departments listed in Schedule A or to Crown corporations listed in Schedule B, as is considered appropriate.

Report to Legislative Assembly (2) The Provincial Treasurer shall report all transfers of monies pursuant to subsection (1) to the Legislative Assembly as soon as practicable. 2002,c.26,s.3.

Payments

Contracts **38.** (1) Subject to section 37, no contract shall be made by which money is to be paid during the fiscal year in which the contract is made unless there is sufficient unencumbered balance in the applicable appropriation vote to cover the payment to be made in that fiscal year.

Contracts extending over two fiscal years (2) Where a contract requires a financial commitment that extends beyond the end of a fiscal year the responsible Minister shall make

provision for that commitment in estimates of expenditure for the subsequent fiscal year. 1980,c.21,s.29; 1994,c.50,s.1; 1996,c.15,s.15.

39. (1) No charge shall be made against an appropriation account except upon the requisition of the Minister responsible for the department or agency for which the appropriation was made, or of a person authorized by him in writing. Requisition

(2) Every requisition for payment out of the Operating Fund is to be made in the manner prescribed by the Comptroller. Form

(3) The Comptroller shall reject a requisition for a payment that Rejection of requisition by Comptroller

- (a) in his opinion, would not be a lawful charge against the appropriation;
- (b) would result in an expenditure in excess of the balance in the appropriation account; or
- (c) in his opinion, is not in keeping with prudent standards of economy in government expenditures unless the requisition is authorized by a minute of the Board. 1980,c.21,s.30.

40. The Comptroller shall not authorize payment for work performed, goods supplied or services rendered for or to the province unless the Minister responsible for the department or agency or a person authorized by him certifies Authorization of payment

- (a) that the work has been performed or goods supplied or services rendered; and
- (b) that the price charged or payment requested is in accordance with the contract or, if not specified by contract, is a reasonable amount. 1980,c.21,s.31.

41. Where the Comptroller Refusal of payment

- (a) refuses to make a payment; or
- (b) disallows an item in an account,

the Minister responsible for the department or agency concerned may report the circumstances to the Board and the Board may overrule, alter or confirm the decision of the Comptroller. 1980,c.21,s.32.

42. (1) All disbursements of public money shall be made Signatories for cheques

- (a) by cheques signed by the Provincial Treasurer or the Deputy Provincial Treasurer and countersigned by the Comptroller or such other person as may be designated by the Provincial Treasurer; or
- (b) by such electronic or other means as may be accepted by financial institutions.

(2) For the purposes of subsection (1) a cheque shall be deemed to be duly signed if it bears a mechanically reproduced facsimile signature of Facsimile signatures

an authorized signatory. 1980,c.21,s.33; 1983,c.1,s.6; 1986,c.5,s.2; 1988,c.22,s.1; 1993,c.29,s.3; 1994,c.50,s.1; 1996,c.15,s.16.

Credit of refunds to current fiscal year **43.** (1) Where a refund or repayment of any expenditure or advance is received in the same fiscal year in which the appropriation was made against which the expenditure was charged, the refund or repayment shall be credited to that appropriation.

Refunds received in subsequent years (2) Where a refund or repayment of any expenditure is received in a year other than the fiscal year in which the appropriation was made against which the expenditure was charged, the refund or repayment is revenue in the year in which it is received. 1980,c.21,s.34.

Regulations re contracts **44.** Repealed by 1996,c.15,s.17.

Holdback under contracts **45.** If, at the end of a fiscal year, a payment under the contract is withheld to ensure the due performance of the contract, the Comptroller shall determine whether the payment is to be charged against the appropriation of that year or against an appropriation of the following year. 1980,c.21,s.36.

PART V PUBLIC DEBT

Temporary Borrowing

Temporary loans **46.** The Lieutenant Governor in Council may authorize the Provincial Treasurer to borrow, for a period not exceeding twelve months, such amounts as the Minister considers necessary for the operation of the Operating Fund. 1980,c.21,s.37; 1993,c.29,s.3.

Report **47.** The Provincial Treasurer shall lay before the Legislative Assembly within the first fifteen days of each session a report of borrowing under section 46 that has been arranged since the previous report. 1980,c.21,s.38; 1981,c.36,s.9; 1993,c.29,s.3.

Long-Term Borrowing

Legislative authority required **48.** No money shall be borrowed or security issued by or on behalf of Her Majesty without the authority of an Act. 1980,c.21,s.39.

Provincial Treasurer may be authorized to borrow **49.** (1) Where, by this or any other Act, authority is given to the Lieutenant Governor in Council to raise sums of money, the Lieutenant Governor in Council by order, may authorize the Provincial Treasurer to raise such sums of money.

(2) An order under subsection (1) shall state the maximum aggregate principal amount of money that may be raised under that order and any terms and conditions that the Lieutenant Governor in Council considers advisable.

Maximum aggregate, conditions

(3) Except as otherwise provided in this section, the Provincial Treasurer has the same powers, rights and authority as the Lieutenant Governor in Council has under the authority given to the Lieutenant Governor in Council to raise sums of money.

Powers of Provincial Treasurer

(4) The Provincial Treasurer, on such terms and conditions as the Provincial Treasurer considers advisable, may raise sums of money under this section by way of loan, in whole or in part, or through the issue and sale of securities, in whole or in part, that have a term to maturity of more than one year.

Idem

(5) Sums of money raised by the Provincial Treasurer under this section shall be raised

Compliance with order, Act

(a) in accordance with the order under subsection (1); and

(b) with terms and conditions not in conflict with the order that the Provincial Treasurer considers advisable,

and, where authority is given to the Lieutenant Governor in Council to raise such sums of money under any other Act, that other Act, except that, where there is a conflict between this Act and the other Act, this Act prevails.

(6) Where the Provincial Treasurer raises sums of money under this section, the Provincial Treasurer shall as soon as practicable, but in no case later than thirty days after the money is received, provide the Lieutenant Governor in Council with a statement of the sums of money raised, the rate of interest or the yield to the investor and such other terms and conditions as the Minister considers advisable. 2001,c.36,s.1.

Statement for Lieutenant Governor in Council

50. The Provincial Treasurer may borrow such sums of money as are required for the payment of any securities that were issued under the authority of an Act and are maturing or have been called for redemption. 2001,c.36,s.1.

Borrowing to pay securities

51. (1) The Provincial Treasurer may

Registrars, agents

(a) appoint one or more registrars, transfer agents or interest-paying agents to perform such services in respect of the registration or transfer of securities or the payment of interest thereon as the Provincial Treasurer may direct;

(b) appoint one or more fiscal agents to perform such services as the Provincial Treasurer may direct; and

(c) fix the remuneration or compensation of any registrar, transfer agent, interest-paying agent or fiscal agent appointed under this section.

Accounting by registrars, agents

(2) Every registrar, transfer agent, interest-paying agent and fiscal agent shall as often as required by the Provincial Treasurer give to the Provincial Treasurer an accounting, in such form and containing such information as the Provincial Treasurer directs, of all of the person's transactions as registrar or fiscal agent. 2001,c.36,s.1.

Sinking fund

52. The Provincial Treasurer may provide for the creation and management of a sinking fund with respect to any issue of securities or with respect to all securities issued. 2001,c.36,s.1.

Repayment is charge on Operating Fund

53. The repayment of all money borrowed by or on behalf of Her Majesty and interest thereon is a charge on and payable out of the Operating Fund. 2001,c.36,s.1.

Execution of securities

54. Securities shall be executed in such manner as the Lieutenant Governor in Council provides or, where the Provincial Treasurer is authorized to raise sums of money under section 49, in such manner as the Provincial Treasurer considers advisable. 2001,c.36,s.1.

Statement of authority

55. (1) All securities issued for raising money under this Part shall contain in the body of each security a statement of the legislative authority under which the borrowing is authorized, and no security is valid unless such statement of the legislative authority for the particular borrowing is contained in the body of such security.

Advertisement

(2) Every advertisement for the sale of such securities shall contain a statement of the legislative authority under which the borrowing is authorized. 2001,c.36,s.1.

Execution of trust, liability

56. No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by that officer or person. 2001,c.36,s.1.

Loss of securities, coupons

57. In the event of the loss of any securities or interest coupons thereon by a holder thereof, the Provincial Treasurer may pay the amount thereof out of the Operating Fund and may take a bond in such amount and in such form as the Provincial Treasurer considers advisable indemnifying the province against loss in respect of such payment. 2001,c.36,s.1.

58. The Provincial Treasurer may authorize the destruction of any securities or interest coupons thereon that Destruction

- (a) have not been issued;
- (b) have been received in exchange for other securities; or
- (c) have been paid and cancelled. 2001,c.36,s.1.

58.1 The Provincial Treasurer may cancel securities issued by the government prior to maturity. 2001,c.36,s.1. Cancellation

PART VI PUBLIC ACCOUNTS

59. (1) In the accounts of the province, the Operating Fund shall be shown in two principal categories, Form of public accounts

- (a) capital, in which shall be shown capital revenues and expenditures;
- (b) current, in which shall be shown current revenues and expenditures.

(2) Revenues and expenditures relating to the acquisition, improvement and reconstruction of assets intended for long-continued use or possession, excluding such assets as may be prescribed by the regulations, shall be shown in the capital category, and all other revenues and expenditures shall be shown in the current category. 1980,c.21,s.50; 1996,c.15,s.119. *Idem*

60. (1) The Comptroller shall cause accounts to be kept in such manner as to show Items to be shown in accounts

- (a) the expenditures made under each appropriation;
- (b) the revenues of the province;
- (c) the other receipts and payments of the Operating Fund;
- (d) the assets and direct and contingent liabilities of the province;
- (e) the reserves with respect to the assets and liabilities,

and may keep such other accounts as he considers necessary.

(2) The accounts of the province shall be shown in the currency of Canada. 1980,c.21,s.5; 1997,c.20,s.3. Currency

61. (1) A report called the Public Accounts shall be prepared by the Comptroller for each fiscal year and shall be laid before the Legislative Assembly by the Provincial Treasurer Submission of Public Accounts

- (a) on or before January 31 next following the end of that year; or
- (b) if the Legislative Assembly is not in session on that date, within fifteen days following the commencement of the next ensuing session.

- Contents of Public Accounts
- (2) The Public Accounts shall include
- (a) consolidated financial statements of the province which consists of a consolidation of the Operating Fund and the accounts of the province's reporting entities including
- (i) a statement of financial position as at the end of the fiscal year,
 - (ii) a statement of the revenues and expenditures for the fiscal year,
 - (iii) a statement of change in financial position,
 - (iv) a statement of change in net debt,
 - (v) a statement of capital expenditure,
 - (vi) audited financial statements in respect of each of the reporting entities,
 - (vii) a statement of the accounting principles followed in their preparation, and
 - (viii) any other statements required by any Act to be shown in the Public Accounts;
- (b) financial statements for the Operating Fund which include
- (i) a statement of financial position as at the end of the fiscal year,
 - (ii) a statement of the revenues and expenditures for the fiscal year,
 - (iii) a statement of change in financial position,
 - (iv) a statement of change in net debt,
 - (v) a statement of capital expenditure,
 - (vi) a statement of the accounting principles followed in their preparation, and
 - (vii) any other statements required by any Act to be shown in the Public Accounts. 1980,c.21,s.52; 1993,c.29,s.3; 1996,c.15,s.20.
- Adjustments
- 62.** Following the end of a fiscal year the Comptroller may make such adjustments to the accounts for that year as are in his opinion material to reflect fairly the financial position of the province. 1980,c.21,s.53.
- Filing financial statements and public inspection
- 63.** Upon receipt of the audited consolidated financial statements and the audited financial statements of the Operating Fund for the fiscal year then ended, the Provincial Treasurer shall file the statements with the Clerk of the Legislative Assembly, who shall make them available for inspection by any person, without charge, during normal business hours. 1997,c.17,s.4.
- PART VII
REPORTING ENTITIES
- Variation of Schedules
- 64.** The Lieutenant Governor in Council may by order add to or delete from Schedule B, C or D the name of a reporting entity. 1996,c.15,s.22.

- 65.** (1) Where, in respect of a reporting entity, no provision is made for appointment of an auditor to audit the accounts and financial transactions of the reporting entity, the Lieutenant Governor in Council shall designate a person to audit the accounts and financial transactions of the reporting entity. Appointment of auditor
- (2) Notwithstanding any other Act, the Auditor General is eligible to audit the accounts and records of a reporting entity. Auditor General eligible
- (3) Where the Auditor General is not the auditor of a reporting entity, the person appointed as auditor shall supply to the Auditor General annually a copy of all financial statements and reports prepared by the auditor in relation to the reporting entity and the auditor shall Functions
- (a) make available to the Auditor General, on request and upon reasonable notice, all working papers, reports, schedules and other records relating to that audit; and
- (b) perform such additional examination as the Auditor General may direct and report his findings thereon to the Auditor General.
- (4) Notwithstanding the appointment of an auditor other than the Auditor General, the Auditor General may conduct such examinations or investigation of the records and operations of the reporting entity as he considers necessary. 1996,c.15,s.22. Examination by Auditor General
- 66.** The financial year of a reporting entity is the fiscal year, unless the Lieutenant Governor in Council otherwise directs. 1996,c.15,s.22. Financial year
- 67.** (1) Each reporting entity shall annually submit to the appropriate Minister for the approval of the Board, a budget for the next following financial year of the corporation, including a statement of anticipated revenue and expenditures and a schedule of loans anticipated to be made and such other information as the Board may determine. Budgets
- (2) Each reporting entity shall submit to the appropriate Minister, interim reports on its financial affairs at such times during the fiscal year as the Board may determine. Interim reports
- (3) The Board may determine the form in which budgets, interim reports and other information required by this section shall be prepared. Form
- (4) The Board may delegate its authority under subsection (3) to the Provincial Treasurer. Delegation
- (5) The Board may exempt a reporting entity from the requirement to submit budgetary information when an appropriation is not required. Exemption

	(6) Repealed by 1997,c.22,s.30.
Application to regional health authority contracts	68. The Lieutenant Governor in Council may give directions with respect to the conditions upon which a Crown corporation may undertake contractual commitments. 1996,c.15,s.22.
Reserves	69. A reporting entity shall establish reserves for depreciation, uncollectible accounts and for other purposes in accordance with generally accepted accounting principles. 1996,c.15,s.22.
Books	70. (1) A reporting entity shall keep proper books of account and proper records in relation thereto.
Statements of accounts	(2) Subject to such directions as to form as the Board may give, a reporting entity shall prepare in respect of each financial year, statements of accounts which shall include a balance sheet, a statement of income and expense and a statement of changes in financial position, and such other information in respect of the financial affairs of the reporting entity as the appropriate Minister, the Board or the Comptroller may require.
Audited statements	(3) Each reporting entity shall, as soon as possible, but within three months of the termination of each financial year or at some earlier date as may be determined by the Board, submit an audited statement of accounts specified in subsection (2) to the appropriate Minister.
Distribution of statement	(4) The Minister shall provide the audited statement to the Board, the Comptroller and the Auditor General immediately upon receipt of the statement.
Annual report	(5) Each reporting entity shall submit an annual report to the appropriate Minister in such a form as he may require which shall include an audited statement of accounts specified in subsection (2) and statement of goals and results achieved during the reporting period, and the Minister shall <ul style="list-style-type: none"> (a) lay the report before the Legislative Assembly within fifteen days after he receives it, or if the Legislative Assembly is not then in session, within fifteen days after the commencement of the next ensuing session; (b) make the report available to the general public as soon as possible, but within six months of the end of the financial year whether or not the document has been laid before the Legislative Assembly.
Other reports	(6) A reporting entity shall make to the appropriate Minister or to the Board such other reports of its financial affairs as they require. 1996,c.15,s.22.

71. (1) The auditor shall report annually to the appropriate Minister the result of his examination of the accounts and financial statements of reporting entities, and the report shall state whether in his opinion

Auditor's report

- (a) proper books of account have been kept by the entity;
- (b) the financial statements of the entity were prepared on a basis consistent with that of the preceding year and are in agreement with the books of account,
- (c) the balance sheet presents fairly the financial position of the entity;
- (d) the statement of income and expense presents fairly the income and expense of the entity for the financial year; and
- (e) the transactions of the entity that have come under his notice have been within the powers of the entity under this Act and any other Act applicable to the entity,

and the auditor shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Legislative Assembly.

(2) The auditor shall make to the reporting entity or to the appropriate Minister such other reports as he may consider necessary or as the appropriate Minister may require.

Other reports

(3) The annual report of the auditor shall be included in the annual report of the reporting entity. 1996,c.15,s.22.

Annual report of auditor

72. Profits or losses of Crown corporations shall be taken into the revenues or expenditures of the Operating Fund in the year in which they become apparent unless the Lieutenant Governor in Council declares by Order in Council that the profit is to be retained or the loss recouped by the Crown corporation subject to such terms and conditions as may be specified in the order. 1996,c.15,s.22.

Profits and losses, accounting for

Sections **73** to **74** repealed by 1996,c.15,s.22.

PART VIII CIVIL LIABILITY

75. (1) Where any person has received public money and has not paid it over, accounted for it or applied it as required, the Provincial Treasurer may notify that person

Notice to persons failing to pay over public money

- (a) to pay over, account for or apply such money as the case may be; and
- (b) to transmit to the Provincial Treasurer proper vouchers that he has done so.

- Proceedings for recovery (2) Where a person fails to comply with a notice under subsection (1) the Provincial Treasurer may institute proceedings for recovery of the money mentioned in subsection (1) together with interest thereon at such rate as may be determined by the Provincial Treasurer from the date of failure to pay over, account for or apply such money.
- Proof of account (3) In any proceedings under subsection (2) the Provincial Treasurer may state an account between the person and the province, which is *prima facie* evidence that the amount stated therein is due from the person to the province without proof of the signature or official character of the Provincial Treasurer. 1980,c.21,s.66; 1993,c.29,s.3.
- Suspension for bribery and fraudulent practices **76.** Where any person employed in the public service to collect, manage or disburse public money
 (a) receives any compensation or reward for the performance of any official duty, except as by law prescribed;
 (b) conspires or colludes with or assists any person to defraud the province;
 (c) knowingly permits any violation of the law relating to the collection, management or disbursement of public money;
 (d) wilfully makes or signs any false entry in any book or wilfully makes or signs any false certificate or return in any case in which it is his duty to make an entry, certificate or return;
 (e) having knowledge of the violation of any law relating to the collection, management or disbursement of public money or of fraud committed against the province under any such law, fails to report such knowledge to a superior officer; or
 (f) demands, accepts or attempts to collect any sum of money, or other thing of value for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law,
 the Provincial Treasurer may suspend that person from his employment. 1980,c.21,s.67; 1993,c.29,s.3.
- Property **77.** All property kept, received by or possessed in connection with his employment by any person is the property of the province. 1980,c.21,s.68.
- Debts due to Crown **78.** (1) Where in the opinion of the Provincial Treasurer any person is indebted to Her Majesty in right of the province in any specific sum of money, the Provincial Treasurer may retain by way of deduction or set-off the amount of any such indebtedness out of any sums of money that may be due or payable to that person by Her Majesty in right of the province or a Crown corporation.

(2) Notwithstanding subsection (1), the Provincial Treasurer may recover any overpayment out of the Operating Fund or the accounts of a Crown corporation on account of salary, wages, pay, or pay and allowances out of any sum of money that may be due and payable to the person to whom the overpayment was made by Her Majesty in right of the province or a Crown corporation. 1996,c.15,s.23. Recovery

78.1 Where a fine, penalty, including an order for restitution, or forfeiture is imposed by a court upon a conviction of a person for an offence under an enactment or a Federal Act, and remains unpaid or unsatisfied, any person authorized by the Attorney General may, by filing the conviction, enter as a judgment the amount thereof and costs, if any, in the Supreme Court, and that judgment is enforceable against the person convicted as if it were a judgment rendered against that person in civil proceedings. 1992,c.26,s.1; 1993,c.29,s.3; 1997,c.20,s.2; 2000,c.5,s.2. Recovery of fines
by civil proceedings

PART IX MISCELLANEOUS

79. The Lieutenant Governor in Council may make regulations Regulations
(a) prescribing any matter or thing that by this Act may or is to be prescribed;
(a.1) respecting insurance policies that may be issued by the Board under section 9;
(b) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purposes of this Act. 1980,c.21,s.24; 2002,c.11,s.2; 2003,c.37,s.7.

80. Where there is a conflict between this Act and any other Act, this Act prevails. 1996,c.15,s.24. Act to prevail

SCHEDULE A

Department of Agriculture, Fisheries, Aquaculture and Forestry
Department of Community and Cultural Affairs
Department of Development and Technology
Department of Education
Department of Environment and Energy
Department of Health
Department of Social Services and Seniors
Department of the Provincial Treasury
Department of Tourism
Department of Transportation and Public Works
Executive Council
Legislative Assembly
Office of the Attorney General
Office of the Auditor General
Public Service Commission
2004,c.36,s.2; 2005,c.40,s.10.

SCHEDULE B

Prince Edward Island Agricultural Insurance Corporation
Prince Edward Island Business Development Inc.
Prince Edward Island Employment Development Agency
Prince Edward Island Housing Corporation
Prince Edward Island Energy Corporation
Prince Edward Island Liquor Control Commission
P.E.I. Lending Agency
Prince Edward Island Self-Insurance and Risk Management Fund
Island Investment Development Inc.
Island Waste Management Corporation
Prince Edward Island Crown Building Corporation
Prince Edward Island Grain Elevators Corporation
Prince Edward Island Lotteries Commission
Prince Edward Island Special Projects Fund
Workers Compensation Board of Prince Edward Island
Prince Edward Island Museum & Heritage Foundation
PEI Agriculture Research Investment Fund Inc.
Charlottetown Area Development Corporation
Summerside Regional Development Corporation
PEI Aquaculture and Fisheries Research Initiative Inc.
Tourism PEI
Prince Edward Island Science and Technology Corporation

SCHEDULE C

Western School Board
Eastern School District
La Commission Scolaire de langue française
Queens Health Region
East Prince Health Region
West Prince Health Region
Kings Health Region
Provincial Health Services Authority
Alberton Community Hospital Authority
O'Leary Community Hospital Authority
Tyne Valley Community Hospital Authority
Souris Community Hospital Authority
Montague Community Hospital Authority

2005,c.39,s.10

SCHEDULE D

Island Regulatory and Appeals Commission

Prince Edward Island Human Rights Commission

1996,c.15,s.25; 1997,c.20,s.2; 1998,c.3,s.2;

1998,c.4, s.15; 1998,c.83,s.15; 1999,c.46,s.17; 2000,c.5,s.2; 2004,c.36,s.2.