

1968 Bill 45

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First Session, 16th Legislature, 17 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 45**

**An Act respecting the Financial Administration of the  
Government**

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THE PROVINCIAL TREASURER

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First Reading .....

Second Reading .....

Third Reading .....

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Printed by L. S. Wall, Queen's Printer, Edmonton

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# BILL 45

1968

An Act respecting the Financial Administration of the  
Government

(Assented to , 1968)

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta,  
enacts as follows:

1. This Act may be cited as *The Financial Administration Act*.

2. In this Act,

- (a) "Auditor" means the Provincial Auditor appointed under this Act;
- (b) "department" means any department of the public service of Alberta or any other division or part of the public service of Alberta;
- (c) "public employee" means an employee of the Government or of the Legislative Assembly;
- (d) "public money" means all money received, held or collected for or on behalf of the Government by the Treasurer or any other public officer in his official capacity or by any revenue officer or other person authorized or required to receive, hold or collect such money and includes
  - (i) revenues of the Government,
  - (ii) money borrowed by the Government or received through the issue or sale of securities, and
  - (iii) money paid to the Government for a special purpose;
- (e) "revenue officer" means
  - (i) any person employed or engaged in, or appointed for the purpose of, collecting, managing or accounting for public money, or
  - (ii) any person who is required by law to collect, manage or account for public money, or
  - (iii) as regards paying over and accounting for public money, any person who has received, holds or has been entrusted with any public money, whether that person was appointed,

## **Explanatory Notes**

**1.** This Bill will replace The Treasury Department Act, The Provincial Loans Act, The Deferred Charges Act and two sections of The Summary Convictions Act. The Bill is a revision of that legislation to incorporate previous amendments, drop obsolete provisions and modify others to fit present day requirements. Unless otherwise indicated the section references in the explanatory notes are to the equivalent provision in The Treasury Department Act.

### **2. Definitions.**

engaged or regularly employed for that purpose or not, or

(iv) any person employed or engaged in, or appointed for the purpose of, administering or carrying out any laws relating to collecting, managing or accounting for public money, or preventing the contravention of those laws;

(f) "Treasurer" means the Provincial Treasurer.

**3.** The fiscal year of the Government is the period commencing on the first day of April in one year and ending on the last day of March in the following year.

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## **PART 1**

### **ORGANIZATION**

**4.** (1) There shall be a Treasury Board composed of the Treasurer, who shall be the chairman, and not fewer than four and not more than seven other members of the Executive Council as are designated from time to time by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may designate other Ministers to serve as alternates in the absence of members of the Treasury Board.

(3) The Treasury Board shall have a secretary who shall be designated by the Board.

(4) The Treasury Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

**5.** The Treasury Board shall act as a committee of the Executive Council on all matters relating to finance, revenues, estimates, expenditures and financial commitments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

**6.** The Treasury Board may require from any revenue officer, public employee or any agent of the Government any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties.

**7.** The Treasury Board may issue such administrative directives as it considers necessary to guide revenue officers and public employees in the performance of their duties affecting the public money.

**3.** Fiscal year of the Government established. Section 26.

**4.** Establishment and composition of Treasury Board.  
Section 38.

**5.** Duties of Treasury Board. Section 39.

**6.** Power to obtain information. Section 40.

**7.** Administrative directions may be made by the Board.  
New.

### **Treasury Department**

**8.** There shall be a department of the public service of Alberta called the Treasury Department over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Provincial Treasurer.

**9.** The Treasurer has the management and control of the revenue and expenditure of the Government.

**10.** (1) The Lieutenant Governor in Council may authorize a seal for the department which shall be known as the Seal of the Treasury Department and may at his discretion alter or modify it.

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and when so reproduced has the same force and effect as if it had been manually affixed.

**11.** Subject to *The Public Service Act, 1962* there may be appointed a Deputy Provincial Treasurer and such other employees as are required for the proper conduct of the business of the Treasury Department.

### **Provincial Auditor**

**12.** (1) The Lieutenant Governor in Council may appoint under the Great Seal of the Province an officer called the Provincial Auditor who holds office during good behaviour and is removable for cause by the Lieutenant Governor on address of the Legislative Assembly.

(2) The Auditor shall be paid a salary of \$21,500 a year which shall be charged to and paid out of the General Revenue Fund.

**13.** Subject to *The Public Service Act, 1962* there may be appointed such employees as are required for the proper conduct of the business of the office of the Auditor.

**14.** Where by or under any Act, the Auditor is appointed or designated as an auditor for any purpose, or any audit or examination is authorized or required to be conducted by the Auditor, the Auditor may authorize any chartered accountant or firm of chartered accountants to be the auditor or conduct the audit or examination, as the case may be, as his nominee.

**8.** Establishment of Treasury Department and appointment of Treasurer. Section 3 (1).

**9.** Function of Treasurer. Section 6.

**10.** Departmental Seal authorized. Section 3 (2, 3).

**11.** Appointment of officers. Section 4,

**12.** Appointment of Provincial Auditor. Section 64.

**13.** Appointment of employees. Section 65.

**14.** Appointment by Auditor of nominee. Most of the Acts imposing duties on the Auditor impose the duty on the "Provincial Auditor or his nominee". The new section specifically authorizes the designation of the nominee.



## PART 2

### PUBLIC MONEY

**15.** All public money whatever over which the Legislature has power of appropriation, excepting moneys that are otherwise specially disposed of by the Legislature, shall form one General Revenue Fund to be appropriated to the public service of Alberta.

**16.** (1) The Lieutenant Governor in Council may direct the Treasurer to invest any portion of the General Revenue Fund not presently required for expenditure

- (a) in securities of the Government of Canada or of any of the provinces of Canada, or
- (b) in any securities the payment of which is guaranteed by the Government of Canada or any of the provinces of Canada, or
- (c) in securities of any city, town, village, municipal district, county, school division, school district or municipal hospital district in Alberta, or
- (d) in securities issued or guaranteed by the International Bank for Reconstruction and Development established by the agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreement Act* (Canada), if the securities are payable in the currency of Canada or the United States of America, or
- (e) in certificates of deposit, deposit receipts or other evidences of indebtedness given by a bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch.

(2) Whenever it is necessary to meet expenditure the Treasurer may dispose of any investments made pursuant to subsection (1) in the manner, on the terms and in the amounts he considers most to the public advantage.

**17.** (1) If the General Revenue Fund is at any time insufficient to meet the charges placed thereon by law, the Lieutenant Governor in Council may, as the exigencies of the public service require, direct the Treasurer to raise

- (a) by temporary loans chargeable on the Fund, or
  - (b) by the issue and sale or pledge of securities,
- the sums that are necessary to enable the Fund to meet the charges.

(2) The Auditor shall prepare and submit to the Treasurer after each fiscal year a report as to all temporary loans made under this section in that fiscal year and the report

**15.** General Revenue Fund. Section 7.

**16.** Investment of revenue. Section 31 amended.

**17.** Temporary borrowings. Section 63 (1, 3).

- (a) shall be laid before the Legislative Assembly within 15 days after the opening of the first session in the next calendar year following that fiscal year, and
- (b) shall also be incorporated in the statement of the Public Accounts for that fiscal year.

**18.** All revenue of the Government shall be paid promptly to the Treasurer through such officers, banks, treasury branches or persons and in such manner as the Treasurer directs.

**19. (1)** The Deputy Provincial Treasurer shall keep a daily record in the Treasury Department cash book of all public moneys received by him, and shall issue official receipts therefor.

**(2)** The daily collections shall without undue delay be deposited to the credit of the Treasurer in a bank, treasury branch or other similar institution.

**20.** The Treasurer may determine the times and modes in which any revenue officer is to account for and pay over the public money that comes into his hands, but, subject to section 23, the accounts and payments shall be rendered and made by revenue officers at least once every month.

**21. (1)** Every revenue officer on receiving public money shall forthwith deposit it in his name of office in such bank, treasury branch or other similar institution in Alberta as the Treasurer appoints but when the money is received at a place where it is not convenient to pay it into a bank, treasury branch or other similar institution, the Treasurer may direct it to be paid over in such manner as he considers expedient.

**(2)** No money so deposited shall be paid out again except for the purpose of being paid to the Treasurer on the written order or cheque of the officer depositing it or of his successor.

**22. (1)** Every revenue officer shall maintain all required records on a daily basis.

**(2)** The records, accounts and papers maintained by a revenue officer shall at all times during office hours be open to the inspection of any person whom the Treasurer authorizes to inspect them.

**23.** The Treasurer may alter the period at or to which any revenue officer, public employee, agent of the Government or other person is required to render any account or to make any return, whenever in the opinion of the Treasurer the alteration will facilitate the correct preparation of the statement of the Public Accounts or of the estimates.

**18.** Payment of revenue to Treasurer. Section 16.

**19.** Daily record of cash receipts. Section 87.

**20.** Mode of accounting by revenue officers. Section 19.

**21.** Duty of revenue officer receiving public money.  
Section 20.

**22.** Records to be kept by revenue officers. Section 22.

**23.** Alteration of time of rendering accounts. Section 28.

**24.** Every revenue officer or public employee

- (a) into whose hands public money in the nature either of revenue or of fees of office is to be paid by persons bound by law or by regulation to pay the money or to be paid by subordinate or other officers or employees, and
- (b) whose duty it is to pay the money wholly or in part into the account of the Treasurer or to apply the money to any public service,

shall, at such time and in such form as the Treasury Board determines, render an account of his receipts and payments to the Auditor.

**25.** (1) Every person on the termination of his charge as revenue officer or, in case of a deceased revenue officer, his personal representative, shall forthwith pay to the Treasurer or the public officer authorized to receive it any balances of public money then due to the Government in respect of the charge.

(2) If it appears to the Auditor that balances of public money have been improperly retained by a person, the Auditor shall report the circumstances of the case to the Treasurer.

(3) The Treasurer shall by any legal proceeding or by other lawful means that seem expedient to him take measures for the recovery of the amount of any balance together with interest upon the whole or on such part of the balance as to the Treasurer appears just and reasonable.

**26.** (1) Where the Lieutenant Governor in Council considers it in the public interest to do so or considers it advisable to do so in cases where injustice or great hardship to any person has resulted or is likely to result, he may order the remission of the whole or part of

- (a) any tax, fee or other sum paid or payable to the Government and imposed or authorized under an Act of the Legislature, or
- (b) any pecuniary penalty, fine or forfeiture imposed under any law in force in Alberta, notwithstanding that the whole or part of it is paid or payable to the informer, prosecutor or any other person.

(2) A remission pursuant to subsection (1) may be authorized by the general regulation or by special order in any particular case and may be total or partial and unconditional or conditional.

(3) If the order for remission is conditional and the condition is not performed, the order becomes void and all proceedings may be had and taken as if the order had not been made.

**24.** Public officers to account to Auditor. Section 81 (3).

**25.** Recovery of money on cessation of employment.  
Section 84.

**26.** Remission of taxes and fines, etc. The Treasury Department Act, section 59 and The Summary Convictions Act, section 22.

(4) Subsection (1) does not apply with respect to a pecuniary penalty, fine or forfeiture.

(a) imposed by or under *The Legislative Assembly Act* or *The Election Act*, or

(b) recoverable in respect of an offence committed in connection with the election of a member of the Legislative Assembly.

**27.** Where it appears to the Treasury Board that any debt due to the Government is only partially recoverable or is not recoverable, the Board may direct the compromise or writing off of the debt as seems equitable to it.

**28.** A detailed statement of all compromises, remissions and writings-off made under sections 26 and 27 during any fiscal year

(a) shall be forwarded to the Auditor for certification,

(b) shall be forwarded by the Auditor to the Treasurer, and

(c) shall be laid before the Legislative Assembly by the Treasurer within 15 days after the opening of the first session in the next calendar year following that fiscal year.

**27.** Debts may be compromised or written off.  
Section 60 (a).

**28.** Assembly to be informed of compromises, remissions  
and writings-off. Section 61 of The Treasury Department Act  
and section 23 of The Summary Convictions Act.



### **PART 3**

#### **DISBURSEMENT OF PUBLIC MONEY**

**29.** The Auditor shall, subject to the exceptions provided in this Act, ensure that no cheque or treasury branch order issues for the payment of public money

- (a) for which there is no direct appropriation, or
- (b) that is in excess of any appropriation, or
- (c) that is in excess of any sums that have been deposited with the Government in trust for any person.

**30.** (1) Whenever an appropriation is exhausted, the Auditor shall at once notify the department to which the appropriation belongs.

(2) The Auditor shall not sanction any further charges to an exhausted appropriation except as provided in this Act.

**31.** All balances of appropriations remaining unexpended at the close of any fiscal year or other term lapse and shall be written off, except that in the case of liabilities incurred during the then expiring fiscal year accounts therefor may be charged to and form part of the expenditures of that year.

**32.** If any difference of opinion arises between the Auditor and any department respecting the appropriations to which any authorized expenditure should be charged, the matter may be referred by the department to the Treasury Board and the Board shall determine in what manner and to what appropriation or account the expenditure is to be charged.

**33.** (1) All disbursements of public money shall be made by cheque on a bank or order on a treasury branch and in a form determined by the Treasurer.

(2) Cheques and orders shall

- (a) be prepared in the Auditor's office,
- (b) be signed by the Auditor or clerk appointed by the Auditor for that purpose, and
- (c) then forwarded to the Treasury Department for the signature of the Treasurer or his deputy or any person appointed by the Treasurer for that purpose.

(3) The signatures required to be upon a cheque or order may be engraved, lithographed or otherwise mechanically reproduced.

(4) All completed cheques or orders shall with all dispatch be forwarded by the Treasury Department by mail or delivered to the persons entitled thereto.

**29.** Authority for cheques required. Section 70 (1).

**30.** Exhausted appropriation. Section 67 (3, 4).

**31.** Writing off balance of appropriations. Section 30.

**32.** Settlement of differences between Auditor and departments. Section 79.

**33.** Procedure for cheques and orders. Section 75. Subsection (3) is new.

(5) The Treasurer shall ensure that there is kept in his department a record in which shall be entered particulars of all cheques and orders signed by him and which shall give in each case the bank or treasury branch upon which it is drawn, the date of issue and the serial number thereof.

**34.** (1) Subject to this section and sections 35, 36 and 37, no cheque or order for public money shall issue except upon the certificate of the Auditor that there is legislative authority for the expenditure.

(2) The Auditor or any other person authorized to countersign cheques or orders issued by the Treasurer shall, before countersigning a cheque or order, satisfy himself that the cheque or order is authorized under this Act.

(3) This section and sections 35 to 38 do not apply to moneys deposited with the Government in trust for any purpose.

**35.** If, upon any application for a cheque or order, the Auditor reports that there is no legislative authority for issuing it, then, upon the written opinion of the Attorney General that there is legislative authority, citing the authority, the Treasurer, irrespective of the Auditor's report, may cause the cheque or order to be issued.

**36.** Where at any time the Legislative Assembly is not in session, the Treasurer

- (a) reports that the Minister having charge of any matter has certified, that in the public interest, an expenditure of public money is urgently required with respect to that matter, and
- (b) reports either that
  - (i) there is no legislative authority for an expenditure with respect to that matter, or
  - (ii) there is legislative authority for an expenditure with respect to that matter but the amount of money so available is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by himself authorizing the expenditure of the amount estimated to be required, which shall be placed to the credit of the appropriate account and against which cheques or orders may issue in the usual form as they are required.

**37.** Where the Auditor refuses to issue a certificate for a cheque or order of the Treasurer

- (a) on the ground that the money is not justly due or that it is in excess of the authority granted by the Lieutenant Governor in Council, or
- (b) for any reason other than that there is no legislative authority,

**34. Certificate of Auditor as to legislative authority.**  
Section 77 (1, 6, 7).

**35. Opinion of Attorney General to override Auditor.**  
Section 77 (2).

**36. Special warrants authorized. Section 77 (3).**

**37. Issue of cheque or Treasury Board order. Section 77 (4).**

the Treasury Board, upon a report of the case prepared by the Auditor, shall judge the sufficiency of the Auditor's objection and may in its discretion sustain him or order the issue of the cheque or order.

**38.** The Auditor shall prepare a statement with respect to each fiscal year

(a) of all legal opinions, special warrants and cheques or orders issued without his certificate, and

(b) of all expenditure incurred in consequence thereof, which shall be delivered by him to the Treasurer to be laid before the Legislative Assembly by the Treasurer at the time the Public Accounts for the same fiscal year are submitted.

**39.** Where under any Act, any guarantee has been given by or on behalf of the Government or the Government is liable as guarantor for the payment of the principal or interest of any loan or obligation or of any bonds, debentures or other securities, and it becomes necessary or desirable to make payment under the terms of the guarantee, the Lieutenant Governor in Council, without any further appropriation, may direct that the payment be made out of the General Revenue Fund.

**40.** The Treasurer, without any further authority than is provided by this section, may from time to time advance to any department or part thereof any sum required as an accountable advance for the purpose of making refunds for moneys deposited or required to be deposited in the General Revenue Fund.

**41.** (1) Every commission, rebate or refund paid under any Act shall, without any further appropriation, be paid out of the total revenues received and shall be shown as a deduction from those revenues in the accounts of the Government.

(2) All documents covering the payment of any commission, rebates or refunds shall be submitted to the Auditor for certification before being paid.

(3) Subsection (2) does not apply to a refund made from moneys advanced pursuant to section 40.

**42.** (1) A public employee or other person employed temporarily or otherwise upon the public business may under any regulations of the Treasury Board be advanced money by the Treasurer out of any appropriation available for the purpose of disbursement upon travelling or other necessary expenses.

(2) Every advance shall be fully accounted for with proper vouchers for all disbursements made, and any un-

**38.** Statement to Assembly on actions under clauses 35 to 37. Section 77 (5).

**39.** Payment in compliance with guarantees. Section 89.

**40.** Accountable advances. Section 76 (2).

**41.** Payment of commissions, rebates and refunds. Section 21.

**42.** Advances for expenses. Section 33.

expended balance shall be returned before the close of the current fiscal year during which the advance was made.

**43.** No payment shall be authorized by the Auditor in respect of services rendered or supplies furnished by any person in connection with any part of the public service of Alberta unless, in addition to any document or certificate that may be required in that behalf, the person under whose special charge that part of the public service is certifies to the effect

- (a) that the services were rendered or the supplies were furnished, as the case may be, and
- (b) that the charge made is according to contract, or if not covered by contract, is fair and just.

**44.** No cheque or order or other instrument shall issue for the payment of a progressive estimate

- (a) unless the document or certificate upon which the estimate is paid contains, so far as practicable, the details of the supplies furnished and the services rendered, or
- (b) except when, owing to the nature of the services rendered or supplies furnished, it is impossible to render a statement in detail, in which case an accountable advance may be authorized as partial payment but a second advance shall not be made upon the same services or supplies until the first advance is accounted for.

**45.** All accounts against the Government shall be rendered in triplicate.

**43.** Payment only to be made for services actually rendered.  
Section 78 (1).

**44.** Payment on progressive estimates. Section 78 (2).

**45.** Accounts in triplicate. Section 71 (1).



**PART 4**  
**PUBLIC ACCOUNTS**

**46.** The Auditor shall maintain the principal financial records of the Government including an appropriation control record in which shall be entered the supply votes or subheadings of appropriations against which shall be charged all authorized expenditure.

**47.** The Auditor shall cause to be prepared for submission to the Treasury Board as soon as possible after the end of each month a statement of the revenue and expenditure, as shown by his books of account of the various services, up to the date named.

**48.** The Auditor shall from time to time furnish to each department a statement of expenditure entered against the several appropriations belonging to the department and the statement shall show the unexpended balances of the appropriations.

**49.** As soon as practicable after the close of each fiscal year, the Auditor shall prepare and certify to a statement

- (a) of all transactions of a financial nature completed during that fiscal year, and
- (b) exhibiting
  - (i) the state of the public debt,
  - (ii) the revenue and expenditure, and
  - (iii) such other accounts and matters as are necessary to show the financial position of the Government as at the end of that fiscal year,

which statement shall form the Public Accounts of the Province and shall be transmitted to the Treasurer for submission to the Legislative Assembly at its first session in the calendar year following that fiscal year.

**50.** Revenues for a fiscal year may be received at the office of the Treasurer and placed to the credit of that fiscal year's account up to and including the seventh day after the end of that fiscal year.

**51.** Notwithstanding anything in this Act, the Treasurer, with the approval of the Auditor, may apply any or all refunds received with respect to expenditure of the previous fiscal year against the expenditure of that year at any time prior to the submission of the Public Accounts for that year to the Legislative Assembly.

**52.** If the Treasurer does not within the time prescribed by this Act present to the Legislative Assembly any report made by the Auditor on the appropriation accounts or any other accounts, the Auditor shall forthwith present the report.

**46.** Financial records. Section 67 (1).

**47.** Monthly statement of revenue and expenditure.  
Section 86.

**48.** Monthly statement of expenditures. Section 67 (2).

**49.** Preparation of Public Accounts. Section 27.

**50.** Revenue of previous year. Section 17. The period of  
5 days in the present Act is extended to 7 days.

**51.** Application of refunds. Section 18.

**52.** Report to Assembly. Section 85.

## **PART 5**

### **ESTIMATES**

**53.** Subject to section 31, all estimates submitted to the Legislative Assembly shall be for the expenditures for the next succeeding fiscal year or such other term as the estimates expressly purport to cover.

**54.** The estimates shall contain the appropriations that do not require to be voted upon by the Legislative Assembly year by year.

**55.** The estimates shall be prepared by the departments in such form as may be approved by the Auditor, and shall be assembled in the Treasury Department.

**56.** (1) Upon the instructions of the Treasurer, the Minister in charge of any department shall, in compiling the estimates for that department, cause any sums payable in respect of that department and which are in the nature of contributions toward the expenditures of that department

- (a) from the Government of Canada, or
- (b) from any city, town, village, municipal district, county, improvement district, special area, school district, school division, drainage district or irrigation district,

to be abated upon the total estimated expenditure of the department for the year covered by the estimate.

(2) Where estimates of expenditure are approved by the Legislative Assembly, all sums shown therein by way of abatement pursuant to subsection (1) in respect of any service shall be deemed to be sums appropriated by the Legislature to that department in addition to the sums expressly voted therefor.

**53.** Period of estimates. Section 29 (1).

**54.** Contents of estimates. Section 29 (2).

**55.** Form of estimates. Section 29 (3).

**56.** Abatement of revenue from expenditure.  
Section 29 (4, 5).

## **PART 6**

### **AUDIT**

**57.** The Auditor shall maintain a system of pre-audit of all expenditures from the General Revenue Fund and shall from time to time and not less than once each year audit the revenues of the several departments.

**58.** The Auditor shall examine, check and audit all accounts of receipts and payments of public money whether belonging to the Government or received and paid by the Government on account of or in trust for any other person.

**59.** (1) The head of each department or his deputy or any officer of the department designated by an order of the Lieutenant Governor in Council as a person charged with the expenditure of public money shall audit the details of the accounts submitted in the first instance and is responsible for and shall certify to the correctness of his examination.

(2) The department examination does not relieve the Auditor from finally examining and auditing the accounts as provided under this Act.

**60.** (1) After the correctness of any account has been certified to as required by this Act the account shall be submitted to the Auditor for final examination and audit.

(2) Upon completion of the examination the original documents shall be retained by the Auditor and the other copies retained by the department that submitted the account to the Auditor under subsection (1).

**61.** (1) Every appropriation account shall be examined by the Auditor on behalf of the Legislative Assembly.

(2) In the examination of an appropriation account the Auditor shall ascertain

- (a) whether it is supported by proper documents or proofs of services having been rendered or supplies furnished, and
- (b) whether the money being expended is being applied for the purposes for which the appropriation was intended.

**62.** (1) When the Auditor is required by the Treasurer to make a re-examination of any appropriation account for the purpose of ascertaining

- (a) whether the expenditure incurred under the account is supported by proper documents or proof of services having been rendered or supplies furnished

**57.** Audit of revenue and expenditures. Section 69.

**58.** Checking trust and other accounts. Section 70.

**59.** Departmental audit and accounts. Section 71 (2, 3).

**60.** Auditor to check departmental audits. Section 72.

**61.** Examination of appropriation accounts. Section 73 (1, 2)

**62.** Re-examination on request of Treasurer.  
Section 73 (3, 4).

and whether the payment was applied for the purposes for which the appropriation was intended, or

- (b) whether a payment so charged was or was not made within the period of the accounts or was for any reason not properly chargeable against the appropriation account,

the Auditor shall examine the account and shall report to the Treasurer any expenditure that appears upon the re-examination to have been incurred or applied without proper authority.

(2) If the Treasurer should thereupon see fit not to sanction the unauthorized expenditure, it shall be regarded as not chargeable to the appropriation account and shall be reported to the Legislative Assembly in the manner provided in this Act.

**63.** (1) In conducting the examination of accounts or documents relating to appropriations, the Auditor shall test the accuracy of the computations of the several items of the accounts or documents.

(2) If the Treasurer desires any account or document to be examined by the Auditor in greater detail the Auditor shall cause it to be subjected to such detailed examination as the Treasurer may prescribe.

**64.** (1) In addition to the appropriation accounts, the Auditor, if required to do so by the Treasurer, shall in accordance with any regulations prescribed for his guidance by the Treasury Board, examine and audit the following accounts:

- (a) the accounts of all receipts of revenues forming the General Revenue Fund;
- (b) the accounts current with any bank or financial agent of the Government;
- (c) any other public accounts specified by the Treasurer or the Treasury Board, though not relating directly to the receipts and expenditures of the Government.

(2) The accounts that the Treasurer is empowered by subsection (1) to subject to the examination of the Auditor shall be rendered to the Auditor by the department or officer directed by the Treasurer to do so.

**65.**(1) Where the Auditor is required by the Treasurer to examine and audit any accounts under section 64, he shall, on the examination of the accounts being completed, transmit a statement thereof or a report thereon to the Treasurer, who shall, if he thinks fit, signify his approval of the accounts.

**63.** Method of examination of accounts. Section 74.

**64.** Examination of other accounts on direction of Treasurer.  
Section 80, 81 (1).

**65.** Audit statement to be submitted to the Treasurer  
by the Auditor.



(2) The Auditor, on receipt of the Treasurer's approval, shall thereupon transmit to the officer directed to render the account a certificate in a form determined by the Treasury Board and which is to that officer a valid and effectual discharge according to its tenor.

**66.** In order that all examinations may as far as possible proceed simultaneously with the transactions of the several departments, the Auditor

- (a) is entitled to access at all times to the books and other documents relating to the accounts of the departments, and
- (b) may require any departments concerned to furnish him from time to time or at regular periods as may be directed by the Treasurer with accounts of the transactions of the department up to those times or periods.

**67.** The Auditor may

- (a) prescribe regulations and forms for the guidance of departmental accountants in making up and rendering their accounts for examination, and
- (b) prescribe the accounting system to be used in order to exhibit in proper form the receipts and expenditures pertaining to activities of departments.

**66.** Auditor to have access to departmental books.  
Section 83.

**67.** Auditor may make rules. Sections 66 (1), 68.

## **PART 7**

### **PUBLIC DEBT**

**68.** In this Part "securities" means securities of the Government of Alberta and includes notes, bonds, debentures, interest bearing and non-interest bearing treasury bills and any other securities representing part of the public debt of Alberta.

**69.** (1) Where the Lieutenant Governor in Council is authorized to raise a sum of money by way of loan, then, unless there is some provision to the contrary in the Act by which the authority is given, the sum may, in the discretion of the Lieutenant Governor in Council, be raised in one of the following ways or partly in one and partly in another or others thereof:

1. by the issue and sale of any class or classes of securities which
  - (a) shall be in such form or forms as may be determined by the Lieutenant Governor in Council,
  - (b) shall bear interest at such rate or rates as may be determined by the Lieutenant Governor in Council,
  - (c) shall be in such denomination or denominations as may be determined by the Lieutenant Governor in Council, and
  - (d) shall be payable as to principal and interest
    - (i) in such currency or currencies of such country or countries,
    - (ii) at such place or places,
    - (iii) at such time or times, and
    - (iv) in such manner,as may be determined by the Lieutenant Governor in Council;
2. by the issue and sale of non-interest bearing treasury bills, which
  - (a) shall be in such form,
  - (b) shall be for such separate sums, and
  - (c) shall be payable
    - (i) in the currency or currencies of such country or countries,
    - (ii) at such place or places, and
    - (iii) at such time or times,as may be determined by the Lieutenant Governor in Council;
3. by the issue and pledge of securities;

**68.** Securities defined.

**69.** Methods of raising loans. See Provincial Loans Act,  
section 4 (1).

4. by temporary loan or loans from any bank, treasury branch or person and upon such terms as the Lieutenant Governor in Council may determine, by way of an overdraft or line of credit or by the pledging as security for the temporary loans of any securities pending the sale thereof or in lieu of selling them, or in such other manner as the Lieutenant Governor in Council may determine.

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of a temporary loan may be executed in such manner as the Lieutenant Governor in Council may determine.

**70.** (1) The Lieutenant Governor in Council may raise money by way of loan in such manner and at such times as he considers expedient by the issue and sale of any class or classes of securities in such amounts as will realize the net sum required for any or all of the following purposes:

1. the payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued under this or any other Act notwithstanding that the issue of securities for that purpose may have the effect of increasing the amount of the public debt or of extending the term of years, if any, fixed by the Act authorizing the raising of the loan or the issue of the securities being paid, refunded or renewed;
2. the payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other obligations, payment of which is guaranteed or assumed by the Government.

(2) When money has been raised for the purposes of this section the Treasurer may use the money for those purposes without any further or other appropriation than is provided by this section.

(3) The power conferred by this section upon the Lieutenant Governor in Council includes power to provide for the payment, refunding or renewal of securities by authorizing the issue and delivery in exchange, substitution or renewal thereof of an equal principal amount of securities bearing such rate or rates of interest as the Lieutenant Governor in Council may direct.

**71.** All money raised by way of loan and the interest thereon and the principal amount of and interest on all securities issued is a charge on and shall be paid out of the General Revenue Fund.

**72.** (1) Any securities may be sold at such price or prices, whether at the par value thereof or less or more

**70.** Repayment of securities and guarantees. See Provincial Loans Act, sections 4 (12) and 14 (1).

**71.** Charge on General Revenue Fund. See Provincial Loans Act, section 3.

**72.** Sale price. See Provincial Loans Act, section 4 (2).

than the par value thereof, and on such terms and conditions, as the Lieutenant Governor in Council or the Treasurer or other person or agent appointed for the purpose of negotiating any loan considers expedient.

(2) All money raised by the issue and sale of securities shall be paid to the Treasurer and forms part of the General Revenue Fund.

**73.** Notwithstanding sections 69 and 72, where the Lieutenant Governor in Council authorizes the raising of money by way of loan by the issue and sale, either at one time or from time to time, of treasury bills, either interest bearing or non-interest bearing, maturing not more than one year from the respective dates thereof, he may also authorize the Treasurer

- (a) to sell any of the treasury bills
  - (i) in such principal amount or amounts,
  - (ii) upon such terms and conditions,
  - (iii) for such price or prices,
  - (iv) to such persons, and
  - (v) either by private or public tender, as the Treasurer in his discretion, from time to time, considers advisable, and
- (b) at the time of the sale, to fix the date of the treasury bills sold and the date of maturity thereof and the rate of interest, if any, payable thereunder.

**74.** The Lieutenant Governor in Council may provide for the creation, management and application of sinking funds, either special or general, or other means of securing the repayment of any loans raised or securities issued, including the redemption by call of any of the securities issued subject to redemption in advance of maturity.

**75.** (1) Subject to subsection (2), any security may be made

- (a) redeemable at the option of the Government in advance of the maturity thereof and either with or without payment of a premium over and above the nominal principal amount thereof, or
- (b) payable at the maturity thereof with or without payment of a premium over and above the nominal principal amount thereof, or
- (c) payable in advance of the maturity thereof on demand of the holder thereof and either with or without payment of a premium over and above the nominal principal amount thereof, or at a discount.

(2) At the time of the authorization of the issue of any securities, the Lieutenant Governor in Council shall prescribe any provisions for or in respect of the redemption

**73.** Treasury bills. See Provincial Loans Act, section 4 (1) (d).

**74.** Sinking fund. See Provincial Loans Act, section 4 (2).

**75.** Redemption. See Provincial Loans Act, section 4 (7).



or payment thereof at or in advance of the maturity thereof as authorized under subsection (1) and any premium for the payment of which provision is so made shall be charged upon and paid out of the General Revenue Fund.

**76.** A statement in an order of the Lieutenant Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum authorized or required to be raised by way of loan is conclusive proof of that fact.

**77.** The Lieutenant Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions as he considers expedient, including conditions or provisions

- (a) with respect to the registration and transfer thereof, including registration and transfer in a register or registers kept in Canada or any other country, and
- (b) with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest.

**78.** Where any Act, enacted before or after the commencement of this section, authorizes the Lieutenant Governor in Council to raise by way of loan a specific or maximum number of dollars by the issue and sale of securities,

- (a) the Act authorizes the raising, in whole or in part, of the same number of dollars of the currency of the United States of America, and
- (b) if the amount of the loan is raised, in whole or in part, by the issue and sale of securities payable in the currency of any country other than Canada or the United States of America, the Act authorizes the raising of an equivalent amount in that other currency calculated in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned on the business day next preceding the day on which the Lieutenant Governor in Council authorizes the issue of the securities, as that nominal rate is determined by any bank in Canada.

**79.** (1) When the issue of any security is authorized, the Lieutenant Governor in Council may by order direct that the security be executed in the manner and by such person or persons or officer or officers as are provided for in the order.

(2) The signature of any person or officer referred to in subsection (1) may be printed, engraved, lithographed

**76.** Effect of statement in order in council.

**77.** Conditions of securties. See Provincial Loans Act, section 4 (1).

**78.** Loans in foreign currencies. See Provincial Loans Act, section 4 (5).

**79.** Execution of securities. See Provincial Loans Act, section 15.

or otherwise mechanically reproduced on any security and the coupons, if any, attached thereto and the signature so reproduced is for all purposes valid and binding upon the Government notwithstanding that the person whose signature is so reproduced has ceased to hold office before the date of the security or before the issue thereof.

(3) The Lieutenant Governor in Council may provide for the form and manner of executing any guarantee by the Government or by the Treasurer.

**80.** All money required to provide a sinking fund or otherwise required to secure

- (a) the repayment of securities,
- (b) the remuneration and compensation of registrars and fiscal agents, and
- (c) the payment of all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loans and any securities issued in respect thereof,

may be paid out of the General Revenue Fund.

**81.** (1) When securities issued under this or any other Act have been pledged as security for a loan, and the loan has been paid off, the securities are not thereby extinguished, but may be reissued and sold or pledged as if the former pledge had not taken place.

(2) The Treasurer shall keep a complete record of all securities pledged under this Act.

**82.** (1) The Auditor shall annually prepare and submit to the Lieutenant Governor in Council a report of all securities pledged under this Act in each fiscal year.

(2) The report shall be laid before the Legislative Assembly with the Public Accounts for the same fiscal year.

**83.** (1) The Lieutenant Governor in Council may change the form of any part of the debt of the Government by substituting one class of the securities for another, if neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the securities.

(2) Notwithstanding subsection (1), the substitution of one class of securities for another shall not be made

- (a) without the consent of the holder of the security for which another is substituted, or

**80.** Payment out of General Revenue Fund.

**81.** Pledged securities. Provincial Loans Act, section 4 (7).

**82.** Annual report on pledged securities.

**83.** Substitution of securities. Provincial Loans Act, section 8.

- (b) unless the security is previously purchased or redeemed by or on account of the Government.
- (3) The substitution of one class of securities for another may be made by the sale of a security of one class and the purchase of a security of another class.
- (4) Nothing in this section affects or limits in any way the provisions of sections 69 and 70.

**84.** A person employed in the inscription, registration, transfer, management or redemption of securities or in the payment of any interest thereon

- (a) is not bound to see to the execution of any trust, expressed or implied, to which the securities are subject, and
- (b) is not liable in any way to any person for any thing so done by him.

**85.** Nothing in this Act authorizes any increase in the public debt without the express authority of the Legislature, except in the manner and to the extent mentioned in this Act.

**86.** Subject to any special provisions relating thereto, money in any sinking fund created for the repayment of any loans raised or securities issued may from time to time be invested

- (a) in securities of the Government of Canada or of any of the provinces of Canada, or
- (b) in securities the payment of which is guaranteed by the Government of Canada or of any of the provinces of Canada, or
- (c) in securities of any city, town, village, county, municipal district, county school division, school district or municipal hospital district in Alberta, or
- (d) in securities issued or guaranteed by the International Bank for Reconstruction and Development established by the agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreement Act*, (Canada), if the securities are payable in the currency of Canada or the United States of America, or
- (e) in certificates of deposit, deposit receipts or other evidences of indebtedness given by a bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch.

**87.** The Lieutenant Governor in Council may make such regulations or orders as he considers necessary or advisable for the carrying out of this Part and, without limiting the generality of the foregoing, may make regulations or orders

**84.** Immunity of officers. Provincial Loans Act, section 9 (2).

**85.** Increase in public debt. Provincial Loans Act, section 12.

**86.** Sinking fund. Provincial Loans Act, section 4 (4).

**87.** Regulations.

- (a) for the management of the public debt and the payment out of the General Revenue Fund of the principal thereof and the interest thereon,
- (b) for the inscription, registration, transfer, transmission, exchange, redemption, cancellation and destruction of any securities, and
- (c) for the appointment of one or more fiscal agents outside Alberta, and for the payment to them of compensation for negotiating loans and paying the interest thereon.





## PART 8

### GENERAL

**88.** (1) Where the Treasurer has reason to believe that any person

(a) has received public money or money applicable to any public purpose, and

(b) has not paid it over or applied and accounted for it, he may by a notice in writing to that person, or to his personal representative in case of death, require that within a time to be named therein the money be paid over or applied and accounted for with proper vouchers to the Treasurer or the officer mentioned in the notice.

(2) Where a person fails to pay over, apply or account for any public money or to transmit proper documents within the time limited by the notice served on him, the Treasurer shall state an account against that person in the matter to which the notice relates, charging interest from the date of service thereof.

(3) The account stated or a certificate thereof is sufficient *prima facie* proof to support any proceeding for the recovery as a debt due to the Government of the amount thus shown to be in the hands of that person.

**89.** Where a person

(a) has received public money for the purpose of applying it to any specific purpose and has not so applied it within the time or in the manner provided by law, or

(b) having been a revenue officer or the holder of any public office and having ceased to be a revenue officer or the holder of the office, has in his hands any public money received by him as a revenue officer or public officer for the purpose of being applied to any specified purpose to which he has not so applied it,

he shall be deemed to have received the money in trust for the Government for the public use of Alberta and the Treasurer

(c) may notify him to pay the money to the Treasurer,

(d) recover that money from that person in any manner in which moneys owing to the Government may be recovered, and

(e) may, in the meantime, apply an equal sum of money from the General Revenue Fund to the purpose to which that public money should have been applied.

**90.** Where a person refuses or neglects to transmit any account, statement or return with the proper documents to

**88.** Failure to pay over account money. Section 50.

**89.** Failure to apply money for purposes received; consequences. Section 53.

**90.** Refusal to transmit accounts; penalty. Section 49.

the Treasurer or to the officer or department to whom he is required to transmit it on or before the day appointed for the transmission thereof, he is guilty of an offence for every such refusal or neglect and liable on summary conviction to a fine of not more than \$100, and in default of payment to imprisonment for a term not exceeding three months.

**91.** All books, papers, accounts and documents kept or used by or in the possession of any revenue officer by virtue of his employment as a revenue officer are the property of the Government, and all moneys or valuable securities received or taken into his possession by virtue of his employment are the property of the Government.

**92.** (1) The Attorney General may sue for and recover in the name of the Government any penalty or forfeiture imposed by any law relating to the public revenue of Alberta.

(2) The whole of the penalty or forfeiture belongs to the Government for the public use of Alberta unless the Lieutenant Governor in Council sees fit to allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

(3) The Attorney General may direct the discontinuance of any action for any penalty or forfeiture irrespective of the person by whom or in whose name the action has been brought.

**93.** Nothing contained in this Act prevents, lessens or impairs any remedy given by law to the Government or any other person.

**94.** Upon all examinations and inquiries

(a) made by order of the Lieutenant Governor in Council, or

(b) made by any person authorized by the Lieutenant Governor in Council,

for ascertaining the truth as to any fact concerning the revenue or the conduct of revenue officers, any person to be examined as a witness shall give his testimony under an oath which shall be administered to him by the person making the examination or inquiry.

**95.** The Government is not bound by any assignment by a public employee of salary or wages owing to him or of his future salary or wages or by any assignment of any other existing or future debt of the Government unless

(a) the Treasurer consents to the assignment in a particular case, or

**91.** Papers of revenue officers are property of the Government. Section 56.

**92.** Actions for penalties or forfeitures. Section 62.

**93.** Saving of other legal remedies. Section 57.

**94.** Inquiries and examinations. Section 58.

**95.** Assignments of debts owing by the Government. New.

- (b) the assignment is included in any class of assignments designated by an order of the Treasurer as exempt assignments for the purposes of this section.

#### **Consequential and Repeal**

**96.** (1) *The Treasury Branches Act* is amended as to section 10, subsection (2), clause (b) by striking out the words "remitted by the Treasury Board pursuant to section 60 of *The Treasury Department Act*" and by substituting the words "written off at the direction of the Treasury Board pursuant to section 27 of *The Financial Administration Act*".

(2) *The Savings Certificates Act* is amended as to section 6, subsection (1) by striking out the words "section 4 of *The Provincial Loans Act*" and by substituting the words "section 69 of *The Financial Administration Act*".

(3) *The Alberta Municipal Financing Corporation Act* is amended as to section 39a, clause (b) by striking out the words "section 14 of *The Provincial Loans Act*" and by substituting the words "section 70 of *The Financial Administration Act*".

(4) *The Provincial Debt Reorganization Act* is amended

- (a) as to section 7, subsection (2) by striking out the words "notwithstanding the provisions of section 2 of *The Provincial Loans Act*",
- (b) as to section 9 by striking out subsection (2).

**97.** This Act repeals and replaces

- (a) *The Treasury Department Act*,
- (b) *The Provincial Loans Act*,
- (c) *The Deferred Charges Act*, and
- (d) sections 22 and 23 of *The Summary Convictions Act*.

**98.** This Act comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of April, 1968.

**96. Consequential amendments.**

**97. Repeal.**