

1977 BILL 63

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 63

THE FINANCIAL ADMINISTRATION ACT, 1977

THE PROVINCIAL TREASURER

First Reading

Second Reading

Third Reading

THE FINANCIAL ADMINISTRATION ACT, 1977

Table of Contents

| | Section |
|--------------------|---------|
| Definitions | 1 |
| Application of Act | 2 |
| Crown fiscal year | 3 |

PART 1

ORGANIZATION

Treasury Board

| | |
|--|---|
| Treasury Board established | 4 |
| Duties | 5 |
| Power to obtain information | 6 |
| Regulations and directives | 7 |
| Evidence of regulations and directives | 8 |

Treasury Department

| | |
|-------------------------------------|----|
| Department established | 9 |
| Staff | 10 |
| Department seal | 11 |
| Functions of Treasurer | 12 |
| Delegation of Treasurer's powers | 13 |
| Service of experts | 14 |
| Boards, committees, etc. | 15 |
| Grants | 16 |
| Power to obtain information | 17 |
| Power to station Treasury employees | 18 |

PART 2

RECEIPT OF PUBLIC MONEY

| | |
|--|----|
| General Revenue Fund | 19 |
| Banking arrangements | 20 |
| Banking arrangements of Provincial agencies and fund administrators | 21 |
| Regulations and directives re revenue officers | 22 |
| Examination and seizure of revenue officer's records | 23 |
| Payment where revenue officer dies, ceases to hold office or is unable to act | 24 |
| Record by Treasurer of public money received | 25 |
| Remissions | 26 |
| Compromise or write-off of debts | 27 |
| Statement of remissions, compromises and write-offs | 28 |

PART 3

SUPPLY VOTES

| | |
|---|----|
| Estimates | 29 |
| Special warrants | 30 |
| Treasury Board regulations or directives | 31 |
| Annual lapse of supply votes and regulated funds | 32 |

PART 4

DISBURSEMENTS OF PUBLIC MONEY

| | |
|----------------------------|----|
| Definitions | 33 |
| Electronic funds transfers | 34 |

| | |
|---|----|
| Designation of accounting officers and expenditure officers | 35 |
| Treasurer's authority over contracts, etc. | 36 |
| Certification by accounting officer | 37 |
| Copies of contracts to Treasurer | 38 |
| Disbursement control by Treasurer | 39 |
| Difference of opinion over appropriation or account | 40 |
| Dispute over making of disbursement | 41 |
| Statement re warrants | 42 |
| Accountable advances | 43 |
| Advances to Alberta Heritage Savings Trust Fund | 44 |
| Interest on advances and unremitted earnings | 45 |
| Payment of rebate, refund or commission | 46 |

PART 5
INVESTMENTS

| | |
|---|----|
| Definitions | 47 |
| Trusts not to be affected | 48 |
| Investment of money in General Revenue Fund | 49 |
| Agreement respecting mortgages | 50 |
| Consolidated Cash Investment Trust Fund | 51 |
| Transfers to Investment Fund | 52 |
| Regulation of depositor's investments | 53 |
| Investment of money in Investment Fund | 54 |
| Investment of money in sinking funds | 55 |
| Disposing of investments | 56 |
| Short-term or "call" loans | 57 |

| | |
|--------------------------|----|
| Administration of Fund | 58 |
| Re-transfer to depositor | 59 |

PART 6

DIRECT GOVERNMENT DEBT

| | |
|--|----|
| Definition | 60 |
| Borrowing power of the Crown | 61 |
| Terms of order in council | 62 |
| Replacement of Government securities | 63 |
| Loans in foreign securities | 64 |
| Debt limit | 65 |
| Terms of borrowing | 66 |
| Execution of Government securities | 67 |
| Pledged securities and report thereon | 68 |
| Loan obligations payable out of General Revenue Fund | 69 |
| Regulations | 70 |
| Immunity as to trusts | 71 |

PART 7

CROWN GUARANTEES AND INDEMNITIES

| | |
|---|----|
| Definitions | 72 |
| Regulations re guarantees and indemnities | 73 |
| Approvals required | 74 |
| Payment under guarantee or indemnity | 75 |
| Annual report re guarantees and indemnities | 76 |

PART 8
PUBLIC ACCOUNTS

| | |
|---|----|
| Contents of public accounts | 77 |
| Tabling of public accounts and Auditor General's report | 78 |

PART 9
MANAGEMENT PROCEDURES

| | |
|---|----|
| Treasury Board regulation of contracts | 79 |
| Treasury Board regulation of real or personal property | 80 |
| Treasurer's control of Provincial corporation borrowings | 81 |
| Regulation of charges by departments, revolving funds and Provincial agencies | 82 |
| Internal reviews | 83 |
| Establishment requirements | 84 |
| Bonding of public employees, etc. | 85 |

PART 10
GENERAL

| | |
|--|----|
| Failure to pay over, account for or apply public money | 86 |
| Public money held in trust | 87 |
| Penalty for refusal to transmit accounts, etc. | 88 |
| Revenue officer's books, etc. are Crown property | 89 |
| Actions for penalties or forfeitures | 90 |
| Assignments | 91 |
| Saving of other legal remedies | 92 |

PART 11

CONSEQUENTIAL AND COMMENCEMENT

| | |
|--------------------------|----|
| Consequential amendments | 93 |
| Repeal | 94 |
| Commencement | 95 |

BILL 63

1977

THE FINANCIAL ADMINISTRATION ACT, 1977

(Assented to _____, 1977)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 (1) In this Act,

(a) “accountable advance” means

(i) an accountable advance made pursuant to section 43(1) or (2), or

(ii) an amount advanced by the Crown pursuant to an agreement to which the Crown is a party, whether the agreement came into existence before or after the commencement of this Act;

(a.1) “appropriation” means

(i) a supply vote,

(ii) a Heritage Fund vote, or

(iii) a statutory appropriation;

(b) “Auditor General” means the Auditor General appointed under *The Auditor General Act*;

(b.1) “Crown” means the Crown in right of Alberta;

(c) “department” means

(i) a department of the public service of Alberta established by an Act of the Legislature,

(ii) a part of the public service of Alberta that is not part of a department referred to in subclause (i) and that is designated as a department by the Lieutenant Governor in Council for the purposes of this Act, or

Explanatory Notes

GENERAL This Bill will repeal and replace the present Financial Administration Act, chapter 142 of the Revised Statutes of Alberta 1970. The Bill provides for the assumption of financial control and accounting responsibilities by the Provincial Treasurer, for the appointment of a Controller in the Treasury Department, for the investment of public money, for the control of direct and guaranteed debt and for the control of the financial affairs of Provincial agencies as defined in the Bill. The notes opposite the sections of this Bill indicate where applicable the numbers of the respective provisions of the present Act from which they are derived or which relate to the same or a similar subject matter.

1 Definitions.

(iii) any other part of the public service of Alberta,

but does not include

(iv) the Auditor General and the staff of the Office of the Auditor General,

(v) the Ombudsman and the staff of the Office of the Ombudsman,

(vi) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer, and

(vii) the officers and employees of the Legislative Assembly;

(c.1) “department head” means the member of the Executive Council having the administration of a department;

(d) “deputy head” means

(i) the chief officer of a department, or

(ii) if there is more than one chief officer of a department, the chief officer of that part of the department for which he is responsible to the department head;

(d.1) “disbursement” means

(i) an expenditure,

(ii) a payment from a regulated fund,

(iii) a payment in respect of an investment of money in the General Revenue Fund made pursuant to section 49, 50 or 57,

(iv) a payment made pursuant to section 75,

(v) a payment from the General Revenue Fund to reduce the principal amount of any Government securities,

(vi) a payment made by a Provincial corporation from its own funds, or

(vii) any other payment or transfer of public money;

(e) “estimates” means spending estimates of the Crown transmitted to the Legislative Assembly;

(f) “expenditure” means

(i) a payment authorized by a supply vote or a Heritage Fund vote,

- (ii) a reimbursement, under the authority of one supply vote, of a payment charged against another supply vote,
 - (iii) a reimbursement, under the authority of one part of a supply vote or Heritage Fund vote, of a payment charged against another part of the same supply vote or Heritage Fund vote,
 - (iv) a payment authorized by a statutory appropriation, other than a statutory appropriation authorizing a payment to a revolving fund, or
 - (v) a payment from a revolving fund;
- (g) “fund administrator” means a person or group of persons charged with the receipt, custody or handling of money in, or payments from, a regulated fund;
- (h) “Heritage Fund vote” means the authority contained in an Act referred to in section 6(2)(a) of *The Alberta Heritage Savings Trust Fund Act* and identified as a vote in the Act so referred to, to invest the amount of money in the Alberta Heritage Savings Trust Fund indicated in the vote;
- (i) “money” includes negotiable instruments;
- (j) “negotiable instrument” includes a cheque, draft, traveller’s cheque, postal note, money order, postal remittance, bill of exchange payable on demand or any other similar instrument;
- (k) “personal service contractor” means
- (i) an individual whose services are engaged by the Crown, a Provincial agency or a fund administrator in consideration of the payment of a fee whether or not the contract for those services is made with that individual or another person, or
 - (ii) a person who contracts to provide the services of one or more individuals to the Crown, a Provincial agency or a fund administrator in consideration of the payment of a fee;
- (l) “Provincial agency” means a Provincial corporation or a Provincial committee;
- (m) “Provincial committee” means an unincorporated board, commission, council, or other body that is not a department or part of a department, all or a majority of whose members are appointed or designated, either by their personal names or by their names of office, by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination thereof;

(n) “Provincial corporation” means

(i) a corporation that is incorporated by or under an Act of the Legislature, other than a local or private Act, all or a majority of whose members or directors are appointed or designated, either by their personal names or by their names of office, by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination thereof, or

(ii) a corporation all of whose issued voting shares of every class are owned by the Crown or held in trust for the Crown or are partly owned by the Crown and partly held in trust for the Crown,

but does not include a new town;

(o) “public employee” means

(i) an employee of the Crown,

(ii) a member or employee of a Provincial agency, or

(iii) a fund administrator or an employee of a fund administrator;

(p) “public money” means money

(i) owned by the Crown,

(ii) held by the Crown for the benefit of or in trust for any other person,

(iii) held by a public employee, public official, personal service contractor or revenue officer in his capacity as a public employee, public official, personal service contractor or revenue officer,

(iv) held by any person for the benefit of or in trust for the Crown, or

(v) owned or held by a Provincial agency,

but does not include money forming part of the Treasury Branches Deposits Fund except to the extent that that money represents money deposited by the Crown or a Provincial agency in the Fund;

(q) “public official” means

(i) a member of the Executive Council,

(ii) a person who holds an office at the appointment of the Lieutenant Governor in Council or a member of the Executive Council and who receives remuneration from the Crown in respect of that office,

(iii) the Speaker of the Legislative Assembly,

(iv) the Auditor General,

(v) the Ombudsman, or

(vi) the Chief Electoral Officer;

(r) “record” includes

(i) an account, book, return, statement, report, financial document or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and

(ii) the results of the recording of details of electronic data processing systems and programs to illustrate what the systems and programs do and how they operate;

(s) “regulated fund” means a fund containing public money except public money

(i) forming part of the General Revenue Fund,

(ii) received by a revenue officer for deposit in the General Revenue Fund that has not been deposited in the General Revenue Fund,

(iii) owned or held by a Provincial agency, or

(iv) invested under the authority of a Heritage Fund vote in an investment that, when made, forms part of the Capital Projects Division of the Alberta Heritage Savings Trust Fund,

but does not include a revolving fund or the Treasury Branches Deposits Fund;

(t) “revenue officer” means a person who

(i) is engaged in or is appointed or employed for the purposes of the collection or management of or accounting for public money,

(ii) is engaged in the administration of any law under which public money is collected, managed or accounted for,

(iii) is required by law or contract to collect, manage or account for public money, or

(iv) receives, holds or is entrusted with public money, whether or not that person was appointed or employed for that purpose,

but does not include

(v) a bank, treasury branch or trust company or an investment company as defined in the *Investment Companies Act* (Canada) as amended from time to time,

(vi) a person who is not a public employee or public official and whose relationship with his clients is regulated in a material way by or under an Act of the Parliament of Canada or a Legislature of a province of Canada or an ordinance of a territory of Canada, or

(vii) a member, officer or employee of a bank, treasury branch, trust company, investment company or person referred to in subclause (v) or (vi);

(u) “revolving fund” means

(i) the revolving fund established under section 12(1) of *The Department of Government Services Act*,

(ii) the revolving fund established under section 12(2) of *The Department of Education Act*,

(iii) the revolving fund established under section 14(1) of *The Department of Housing and Public Works Act*,

(iv) the revolving fund established under section 10(1) of *The Department of Transportation Act*,

(v) the revolving fund established under section 98(1) of *The Water Resources Act*,

(vi) the revolving fund established under section 7(2) of *The Department of Recreation, Parks and Wildlife Act*, or

(vii) the revolving fund established under section 7(1) of *The Cultural Development Act*,

and includes a fund designated as a revolving fund by the regulations;

(v) “securities” includes bonds, debentures, shares of capital stock, rights in respect of such shares, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds;

(w) “statutory appropriation” means an amount permitted or directed to be paid from the General Revenue Fund by this or any other Act but does not include an amount paid

(i) under the authority of a supply vote,

(ii) pursuant to section 49, 50 or 57,

(iii) pursuant to section 75, or

(iv) to reduce the principal amount of any Government securities;

(x) “supply vote” means

(i) the authority contained in an Act and identified as a vote in that Act to spend the amount of money in the General Revenue Fund indicated in the vote, or

(ii) the authority to spend the amount of money deemed to be a supply vote or part of a supply vote by virtue of section 30(3) or (4), as the case may be;

(y) “Treasurer” means the Provincial Treasurer;

(z) “voting share” means a share of any class of shares of a corporation carrying full or limited voting rights ordinarily exercisable at meetings of shareholders of the corporation and a share of any class of shares of a corporation carrying voting rights by reason of a contingency that has occurred and is continuing.

(2) Where any question arises

(a) as to which person is the deputy head of a particular department or part of a department for the purposes of this Act,

(b) as to whether an unincorporated board, commission, council or other body is a department or part of a department for the purposes of this Act, or

(c) as to which person or group of persons is the fund administrator of a particular regulated fund,

the question shall be decided by the Treasury Board.

2(1) This Act and the regulations operate notwithstanding any other Act except *The Alberta Bill of Rights* and *The Individual’s Rights Protection Act*, whether enacted before, at or after the commencement of this Act, unless the contrary is expressly declared in this Act or the regulations or in any other Act.

2 Application of Act. New.

(2) The Lieutenant Governor in Council, on the recommendation of the Treasurer, may by regulation exempt a Provincial agency, fund administrator, revenue officer or class of revenue officer from this Act to the extent prescribed in the regulation in respect of that Provincial agency, fund administrator, revenue officer or class of revenue officer.

(3) A reference to “the whole Act” in a regulation made pursuant to subsection (2) shall be construed as excluding this section.

(4) A regulation made pursuant to subsection (2) that exempts, or adds to the exemptions applicable to, a Provincial agency, fund administrator, revenue officer or class of revenue officer may be retroactive to the extent set out in the regulation.

(5) The Lieutenant Governor in Council may make regulations designating a fund containing public money as a revolving fund.

3 The fiscal year of the Crown is the period commencing on April 1 in one year and ending on March 31 next following.

3 Crown fiscal year. See present section 3.

PART 1

ORGANIZATION

Treasury Board

4(1) There is hereby established a board called the “Treasury Board” composed of the Treasurer, who shall be the chairman, and not fewer than 4 or more than 7 other members of the Executive Council appointed by the Lieutenant Governor in Council.

(2) The Treasury Board shall have a secretary who shall be appointed by the Board.

(3) The Treasury Board may determine its rules and methods of procedure.

5(1) The Treasury Board may formulate general management policies relating to the business and affairs of the Crown and Provincial agencies and do such acts as it considers necessary to ensure that those policies are carried out.

(2) The Lieutenant Governor in Council may, by order, amend or revoke an action of the Board done under subsection (1).

6(1) Every public employee, public official, personal service contractor, revenue officer, Provincial agency or agent of the Crown shall furnish to the Treasury Board any information, in the form of a record or otherwise, that the Board considers necessary in connection with the exercise or performance of its powers and duties under this or any other Act.

(2) Every person who receives information under this section from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as governed the person from whom the information was obtained.

7 The Treasury Board may make such regulations and issue such directives that it considers necessary in connection with the exercise or performance of its powers and duties under this or any other Act.

8(1) A document purporting to be a regulation or directive of the Treasury Board and purporting to be signed by its chairman shall be admitted in evidence as prima facie proof of the regulation or directive and that the chairman was authorized to sign it, without proof of the appointment or signature of the chairman.

4 Establishment of Treasury Board. See present section 4.

5 Duties of Treasury Board. See present section 5.

6 Treasury Board power to obtain information. See present section 6.

7 Regulations and directives. See present section 7.

8 Evidence of regulations and directives. New.

(2) A document purporting to be a copy of a regulation or directive of the Treasury Board and having endorsed on it a certificate purporting to be a certificate of the secretary of the Board stating that the document is a true copy shall be admitted in evidence as prima facie proof of the regulation or directive, without proof of the appointment or signature of the secretary.

Treasury Department

9 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 in Council under the Great Seal as Provincial Treasurer.

10 In accordance with *The Public Service Act* there may be appointed a Deputy Provincial Treasurer, a Controller and such other employees as are required for the conduct of the business of the Treasury Department.

11(1) The Lieutenant Governor in Council may authorize a seal for the Treasury Department which shall be known as the Seal of the Treasury Department.

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

12(1) The Treasurer is responsible for the collection, management and control of the revenue of the Crown, for the management and control of all disbursements of the Crown and for all other matters relating to the financial affairs of the Crown that are not assigned by this or any other Act to any other person.

(2) The Treasurer shall maintain or cause to be maintained those financial records of the Crown as he considers advisable.

(3) The Treasurer may prescribe the form and content of the financial records of the Crown and Provincial agencies and the accounting systems of the Crown and Provincial agencies.

13(1) The Treasurer may authorize in writing

(a) an employee of the Treasury Department,

9 Treasury Department. See present section 8.

10 Staff. Present section 11 with the addition of the Controller.

11 Department seal. See present section 10.

12 Functions of the Treasurer. See present section 9.

13 Delegation of powers by the Treasurer. New.

(b) a fund administrator, with the prior approval in writing of the fund administrator, or

(c) an employee of a department other than the Treasury Department, an employee of a fund administrator or a member or employee of a Provincial agency with the prior approval in writing of

(i) the employee or member, and

(ii) the employee's department head or deputy head, the fund administrator by whom the employee is employed or the Provincial agency of which he is member or by which he is employed, as the case may be,

to do any act or thing required or permitted to be done by the Treasurer under this or any other Act, except the power to make regulations and, subject to subsection (6), the power to make an authorization under this subsection.

(2) An authorization given under subsection (1) may be general or applicable to a particular case and may specify an employee, fund administrator or member by his personal name or by his name of office.

(3) An authorization under subsection (1)(b) or (c) to exercise the powers of the Treasurer under sections 17, 39(a), 74(a) and 77 shall only be made with the prior approval in writing of the Treasury Board.

(4) An act or thing done or document or instrument executed or signed pursuant to an authorization given under subsection (1) has the same effect as if the act or thing were done or the document or instrument were executed or signed by the Treasurer.

(5) A document or instrument purporting to be executed or signed by an employee, fund administrator or member shall be admitted in evidence as prima facie proof that the employee, fund administrator or member was authorized under subsection (1) to execute or sign the document or instrument.

(6) The Treasurer may authorize in writing an employee of the Treasury Department to exercise the Treasurer's powers under subsection (1) subject to any conditions prescribed by the Treasurer, and in such a case subsections (2) to (5) apply to an authorization given by that employee pursuant to subsection (1) to the same extent as though that authorization had been given by the Treasurer.

14(1) The Treasurer may from time to time engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Treasurer's administration.

14 Services of experts. New. This section is found in most Acts creating Departments.

(2) A person whose services are engaged under this section may be paid such remuneration and expenses as the Treasurer may prescribe.

15(1) The Treasurer may establish such boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Treasurer may, with respect to any board, committee or council established under this section,

(a) appoint or provide for the manner of the appointment of its members,

(b) prescribe the term of office of any member,

(c) designate a chairman, vice-chairman and secretary, and

(d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may, subject to the approval of the Treasurer, make rules of procedure governing the calling of, and the conduct of business at, its meetings.

(4) A board, committee or council established pursuant to this section may exercise such powers and shall perform such duties and functions as the Treasurer confers or imposes upon it.

16(1) The Treasurer may make grants if

(a) he is authorized to do so by regulations under this section, and

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing the Treasurer to make grants;

(b) prescribing the purposes for which grants may be made;

(c) governing applications for grants;

(d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;

15 Appointment of committees etc., by Treasurer. New. This section is found in most Acts creating Departments.

16 Grants. New. This section is found in most Acts creating Departments.

(e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for that grant;

(f) prescribing the conditions upon which a grant is made and requiring the repayment thereof to the Crown if the conditions are not met;

(g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;

(h) limiting the amount of any grant or class of grant that may be made;

(i) authorizing the Treasurer to delegate in writing to any public employee, public official or personal service contractor any duty, power or function respecting the payment of any grant;

(j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;

(k) authorizing the Treasurer to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

17(1) Every public employee, public official, personal service contractor, revenue officer, Provincial agency or agent of the Crown shall furnish to the Treasurer any information, in the form of a record or otherwise, that the Treasurer considers necessary in connection with the exercise or performance of any of his powers and duties under this or any other Act.

(2) Every person who receives information under subsection (1) from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as governed the person from whom the information was obtained.

(3) A Provincial corporation shall, upon request, furnish a copy of its financial statements to the Treasurer.

18 In order to carry out his powers or duties more effectively, the Treasurer may station an employee of the Treasury Department in an office of a department, Provincial agency or fund administrator and that department, Provincial agency or fund administrator shall provide such office accommodation as the Treasurer considers necessary for an employee who is so stationed.

17 Power to obtain information. See present section 66.

18 Power to station Treasury employees. New.

PART 2

RECEIPT OF PUBLIC MONEY

19(1) There shall be one General Revenue Fund to be appropriated to the public service of Alberta into which all public money shall be paid except

(a) money over which the Legislature has no power of appropriation, and

(b) money that is otherwise specially disposed of by this or any other Act.

(2) The General Revenue Fund shall be held and administered by the Treasurer.

20(1) The Treasurer may establish, maintain or close accounts in the name of the Crown with any bank, treasury branch or other financial institution as he may designate on such terms as he considers appropriate.

(2) The Treasurer may make such arrangements for the deposit of public money not forming part of a regulated fund as he considers appropriate.

(3) Subject to any directions given under section 21, a fund administrator may establish, maintain or close accounts in the name of the regulated fund that he administers with any bank, treasury branch or other financial institution as he may designate on such terms as he considers appropriate.

(4) Subject to any regulations or directives made under section 22, a fund administrator may make such arrangements for the deposit of money forming part of the regulated fund that he administers as he considers appropriate.

21 The Treasurer may issue directives to a Provincial agency or fund administrator as to its arrangements for establishing, maintaining or closing accounts in the name of the Provincial agency or fund administrator with any bank, treasury branch or other financial institution as the Treasurer may designate.

22(1) The Treasurer may make regulations or issue directives prescribing

(a) the manner in which public money shall be collected, managed or held by revenue officers;

19 General Revenue Fund. See present section 15.

20 Banking arrangements. New.

21 Banking arrangements of Provincial agencies and fund administrators. New.

22 Regulations and directives regarding duties of revenue officers. See present sections 18 and 20 to 24.

(b) the manner in which, the times within which and the persons to whom revenue officers shall pay over public money;

(c) the manner in which, the times within which, the periods for which and the persons to whom revenue officers shall account for all public money held, collected or managed by them;

(d) the records concerning public money that shall be maintained by revenue officers;

(e) the records concerning public money that revenue officers shall submit and the times within which and the persons to whom they shall be submitted.

(2) A time prescribed pursuant to subsection (1)(b) or (c) shall not be less frequently than annually.

(3) Every revenue officer shall comply with any regulations or directives made or issued under subsection (1).

23(1) Records prepared or kept by a revenue officer or an agent or employee of a revenue officer in his capacity as a revenue officer or agent or employee of a revenue officer, whether or not those records are in the possession of the revenue officer, agent or employee or are in the possession of another person shall be open to inspection at all reasonable times by the Treasurer or a person authorized by the Treasurer.

(2) The Treasurer may apply ex parte to the Supreme Court of Alberta for an order that the Treasurer or a person authorized by the Treasurer may, for any purpose related to the administration of this Act,

(a) enter at all reasonable times into any place where a business of the revenue officer specified in the application or an agent or employee of that revenue officer is carried on,

(b) examine or seize and take away a record that is part of the records of the revenue officer prepared or kept pursuant to this Act,

(c) examine or seize and take away a record that, in the opinion of the Treasurer or person authorized by the Treasurer, will assist him in determining the accuracy of the records that are prepared or kept by the revenue officer, and

(d) require a person at the place to give the Treasurer or person authorized by the Treasurer all reasonable assistance in carrying out his powers under clauses (b) and (c),

23 Examination and seizure of revenue officer's records. See present section 22(2).

and the Court may, upon being satisfied that an order is necessary for the proper administration of this Act, make such order as it considers appropriate.

(3) The Treasurer or any person authorized by the Treasurer may make copies of records seized under subsection (2) and may, in lieu of returning the original of a record, provide the revenue officer or his agent or employee with a copy of the record.

24 Where a revenue officer dies, ceases to be a revenue officer or is for any reason unable to act as a revenue officer, the revenue officer, former revenue officer, personal representative of the revenue officer or any person who comes into possession of public money as a result of a revenue officer dying or ceasing to be, or being unable to act as, a revenue officer shall forthwith pay any balance of public money held by him

(a) in the case of public money held on behalf of a Provincial agency, to the Provincial agency or person designated by the Provincial agency, or

(b) in any other case, to the Treasurer or person designated by the Treasurer.

25 The Treasurer shall keep a record of all public money received by him and shall give receipts therefor upon request.

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 a case or class of cases where injustice or great hardship to a person has resulted or is likely to result, he may order the remission of

(a) any royalty or any tax, fee or other sum, paid or payable to the Crown and imposed or authorized under an Act of the Legislature, or

(b) any pecuniary penalty, fine or forfeiture imposed under a law in force in Alberta, notwithstanding that the whole or part of it is payable to the informer, prosecutor or another person.

(2) A remission pursuant to subsection (1) may be authorized by a regulation or by a special order in a particular case and may be total or partial and unconditional or conditional, and the remission of a royalty or a tax, fee or other sum referred to in subsection (1)(a) may be ordered before or after liability for the royalty or the tax, fee or other sum arises.

(3) If the order for remission is conditional and that condition is not performed with respect to a remission, the order becomes

24 Payment where revenue officer dies, ceases to hold office or is unable to act. See present section 25.

25 Record by Treasurer of public money received. See present section 19(1).

26 Remission of royalties, taxes, fees, etc. See present section 26.

void with respect to that remission and all proceedings may be had and taken as if the order had not been made.

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

(a) imposed by or under *The Legislative Assembly Act, The Election Act* or *The Election Finances and Contributions Disclosure Act*, or

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

27(1) No debt owing to the Crown or to a Provincial agency shall be compromised or written-off except pursuant to this section.

(2) Where it appears to the Treasury Board that any debt owing to the Crown or to a Provincial agency is only partially recoverable or is not recoverable, the Board may direct the compromise of the debt or the writing-off of all or part of the debt as it considers equitable.

(3) The Treasury Board may make regulations or issue directives

(a) delegating its powers under subsection (2) to any public employee, public official or personal service contractor,

(b) controlling or limiting the exercise of the powers so delegated, and

(c) prescribing the conditions for the collection, partial collection or write-off of debts owing to the Crown or a Provincial agency.

28 The Treasurer shall prepare a statement of all remissions, compromises and write-offs made or approved under sections 26 and 27 during any fiscal year.

27 Compromise or write-off of debts. As to subsection (2) see the present section 27. Subsections (1) and (3) are new.

28 Statement of remissions, compromises and write-offs. See present section 28.

PART 3

SUPPLY VOTES

29(1) Estimates shall contain

- (a) the proposed supply votes that are to be voted upon by the Legislative Assembly,
- (b) the amounts permitted or required to be paid out of the General Revenue Fund pursuant to this or any other Act that are not required to be voted upon by the Legislative Assembly, and
- (c) any other information that the Treasurer considers appropriate.

(2) Estimates shall be prepared by the Treasurer.

30(1) 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 supply vote under which an expenditure with respect to that matter may be made, or
 - (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote 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 of money estimated to be required.

(2) For the purposes of subsection (1), where the Legislative Assembly is adjourned for a period of more than 14 days, the Assembly shall be deemed not to be in session during the period of the adjournment.

(3) Where a special warrant is prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of this Act.

29 Estimates. See present sections 53 to 56.

30 Special warrants. As to subsections (1) and (2), see the present section 36. Subsections (3), (4) and (5) are new.

(4) Where a special warrant has been prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of this Act, added to and deemed to be part of the supply vote to which the report relates.

(5) Where a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after the signing of the warrant for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

31 The Treasury Board may make regulations or issue directives establishing controls and limitations respecting the making of expenditures.

32(1) After the end of a fiscal year

(a) no expenditure shall be made under the authority of a supply vote for that fiscal year, and

(b) no disbursement shall be made from that part of a regulated fund made up of payments under the authority of a supply vote for that fiscal year,

except pursuant to subsection (4), and the authority to make expenditures or disbursements from the balance of the supply vote or the balance of that part of the regulated fund made up of payments under the authority of a supply vote, not charged with a liability pursuant to subsection (4), lapses.

(2) The deputy head of a department or a fund administrator shall, within a period after the end of a fiscal year as set by the Treasury Board, record and submit to the Treasurer, in the form and manner prescribed by the Treasurer, a record of all liabilities relating, for that fiscal year,

(a) to a supply vote under the administration of the department head of the department of which he is deputy head, or

(b) to that part of a regulated fund of which he is fund administrator, made up of payments under the authority of a supply vote.

(3) The Treasurer shall, within a period after the end of the fiscal year as set by the Treasury Board, record any liabilities relating, for that fiscal year, to a supply vote or to a regulated fund made up of payments under the authority of a supply vote.

31 Treasury Board regulations or directives. New.

32 Annual lapse of supply votes and regulated funds. See present section 31. The principle of lapsing of that part of a regulated fund fed from a supply vote is new.

(4) Liabilities recorded pursuant to subsection (3) shall be paid and charged against a supply vote or regulated fund to the extent of the authority available for that fiscal year

(a) to make disbursements from the supply vote, or

(b) to make disbursements from that part of the regulated fund made up of payments under the authority of a supply vote,

and, if the authority available is insufficient, may be paid and charged against a supply vote or that part of a regulated fund made up of payments under the authority of a supply vote, as the case may be, for the following fiscal year.

(5) Any liability charged under subsection (4) against a supply vote or regulated fund for a following fiscal year shall be reported in the public accounts for the fiscal year in which the liability was incurred.

(6) The Treasurer may make regulations or issue directives prescribing the form and manner in which liabilities are to be recorded and submitted under subsection (2).

(7) For the purposes of this section, the Treasurer may determine what constitutes a liability and, in respect of a regulated fund, what part of that regulated fund is made up of payments under the authority of a supply vote, and such a determination is conclusive.

PART 4

DISBURSEMENT OF PUBLIC MONEY

33 In this Part,

(a) “accounting officer” means a public employee, public official or personal service contractor designated as an accounting officer pursuant to section 35;

(b) “department” includes

(i) the Auditor General and the staff of the Office of the Auditor General,

(ii) the Ombudsman and the staff of the Office of the Ombudsman,

(iii) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer, and

(iv) the officers and employees of the Legislative Assembly;

(c) “department head” includes

(i) the Speaker or, in the event of the absence or inability to act of the Speaker or if there is no Speaker, the Deputy Speaker, with respect to

(A) the Ombudsman and the staff of the Office of the Ombudsman,

(B) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer, and

(C) the officers and employees of the Legislative Assembly,

and

(ii) the Chairman of the Select Standing Committee on the Office of the Auditor General or, in the event of the absence or inability to act of the Chairman or if there is no Chairman, the Deputy Chairman, with respect to the Auditor General and the staff of the Office of the Auditor General;

(d) “deputy head” includes

33 Definitions. New.

(i) the Auditor General with respect to the Office of the Auditor General,

(ii) the Ombudsman with respect to the Office of the Ombudsman,

(iii) the Chief Electoral Officer with respect to the Office of the Chief Electoral Officer, and

(iv) the Clerk of the Legislative Assembly with respect to the officers and employees of the Legislative Assembly;

(e) “expenditure officer” means a public employee, public official or personal serviced contractor designated as an expenditure officer pursuant to section 35.

34 The Treasurer may make arrangements with a bank, treasury branch or other financial institution for the transfer of money for the purpose of making disbursements.

35 (1) Subject to subsection (5), the deputy head of each department

(a) with the approval of the Treasury Board,

(i) shall designate one or more public employees, public officials or personal service contractors of the department, and

(ii) may, with the approval of the deputy head of another department, designate one or more public employees, public officials or personal service contractors of that other department,

as accounting officers for the department, and

(b) shall designate one or more public employees, public officials or personal service contractors as expenditure officers for the department.

(2) Subject to subsection (5), each fund administrator shall designate

(a) with the approval of the Treasury Board, one or more public employees, public officials or personal service contractors to be accounting officers, and

(b) one or more public employees, public officials or personal service contractors to be expenditure officers,

for the regulated fund that he administers.

34 Electronic funds transfers. New.

35 Designation of accounting officers and expenditure officers. New.
See present section 59(1).

(3) Subject to subsection (5), each Provincial agency shall designate

(a) with the approval of the Treasury Board, one or more members, officers or employees of the Provincial agency to be accounting officers, and

(b) one or more members, officers or employees of the Provincial agency to be expenditure officers,

for the Provincial agency.

(4) A deputy head, fund administrator, member of a fund administrator or member of a Provincial agency may be designated as an accounting officer or an expenditure officer or both but shall not act as both the accounting officer and the expenditure officer with respect to the same transaction.

(5) Except as provided in subsection (4), no person shall be designated as an accounting officer or an expenditure officer if, as a result of that designation, he becomes both an accounting officer and an expenditure officer.

(6) A corporation shall not be designated as an accounting officer or an expenditure officer.

(7) The Treasury Board may suspend or terminate the designation of any person as an accounting officer or an expenditure officer.

36(1) The Treasurer may make regulations or issue directives

(a) respecting the manner in which a contract, agreement or undertaking may be entered into under which an obligation to make a disbursement will or may arise,

(b) respecting the information, in the form of a record or otherwise, that is to be submitted to the Treasurer or person designated by the Treasurer when or before a contract, agreement or undertaking referred to in clause (a) is entered into, and the times at or within which and the form in which that information is to be submitted,

(c) respecting the authorizations that must be given before a contract, agreement or undertaking referred to in clause (a) may be entered into,

(d) defining what constitutes a commitment, encumbrance or charge,

(e) respecting the manner in which and the times at which the appropriation or account from or pursuant to which a disbursement under a contract, agreement or undertaking referred to in clause (a) is or may be made is to be

36 Treasurer's authority over contracts, etc.

committed, encumbered or charged with the proposed disbursement,

(f) respecting the entering into of a contract, agreement or undertaking under which a disbursement will or may arise, if the appropriation or account from which the proposed disbursement is to be made is fully or partially committed, encumbered or charged,

(g) respecting the manner in which and the times at which a commitment, encumbrance or charge against an appropriation or account may be altered or cancelled,

(h) respecting the manner in which disbursements are to be made, or

(i) respecting the powers and duties of accounting officers and expenditure officers.

(2) For the purposes of regulations or directives under subsection (1), the Treasurer may classify contracts, agreements or undertakings by the amount that is or may be involved in the contract, agreement or undertaking, by the purposes for which the disbursement under the contract, agreement or undertaking is or may be made, by the form or type of the contract, agreement or undertaking, by the time at which the contract, agreement or undertaking is entered into or by any other means that he considers appropriate, and he may make or issue different regulations or directives for different classes of contracts, agreements or undertakings.

37(1) No request for an expenditure shall be made without the certification of an accounting officer for the department whose department head has the administration of the appropriation against which the proposed expenditure is to be charged or pursuant to which it is to be made or the administration of the revolving fund from which the proposed expenditure is to be made, that

(a) the proposed expenditure was authorized by an expenditure officer for the department,

(b) an expenditure officer for the department has certified that

(i) if there is a written contract relating to the proposed expenditure, it is in accordance with the contract and, if the amount of the proposed expenditure is not specified in the contract, the amount is fair and just, or

(ii) if there is no written contract relating to the proposed expenditure, the amount of the proposed expenditure is fair and just,

37 Certification by accounting officer. See present sections 43, 44 and 59.

(c) the proposed expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,

(d) in the case of a proposed expenditure for goods supplied or services rendered, a person authorized by the deputy head of the department to certify that the goods or services were received has so certified, and

(e) the amount of the proposed expenditure is accurate.

(2) No request for a disbursement that is not an expenditure shall be made without the certification of an accounting officer for the department, regulated fund or Provincial agency under which is administered the money from which the proposed disbursement is to be made, that

(a) the proposed disbursement was authorized by an expenditure officer for the department, regulated fund or Provincial agency,

(b) an expenditure officer for the department, regulated fund or Provincial agency has certified that

(i) if there is a written contract relating to the proposed disbursement, it is in accordance with the contract and, if the amount of the proposed disbursement is not specified in the contract, the amount is fair and just, or

(ii) if there is no written contract relating to the proposed disbursement, the amount of the proposed disbursement is fair and just,

(c) the proposed disbursement is consistent with the purpose for which the money is available,

(d) in the case of a proposed disbursement for goods supplied or services rendered, a person authorized by the fund administrator, Provincial agency or deputy head of the department to certify that the goods or services were received has so certified, and

(e) the amount of the proposed disbursement is accurate.

38(1) Subject to subsection (2), where a person enters into a contract on behalf of the Crown or executes a contract for or on behalf of the Crown under which a disbursement is or may be required, that person shall promptly deliver to the Treasurer a true copy of it or particulars of it if the contract is not in writing.

(2) The Treasury Board may exempt a contract or class or contracts from the operation of subsection (1).

38 Copies of contracts to Treasurer. New.

39 Except as otherwise provided in this Act, the Treasurer shall ensure that no disbursement is made unless

(a) in the case of a proposed expenditure to be charged against or made pursuant to an appropriation or to be made from a revolving fund, he is satisfied that

(i) in the case of a proposed expenditure to be charged against a supply vote or Heritage Fund vote, there is authority available under the supply vote or Heritage Fund vote for the purpose of making the proposed expenditure,

(ii) in the case of a proposed expenditure to be made from a revolving fund, there is money available in the revolving fund for the purpose of making the proposed expenditure,

(iii) the proposed expenditure does not exceed any maximum limit prescribed by law,

(iv) he has received the certificate of an accounting officer made pursuant to section 37(1) relating to the proposed expenditure,

(v) the proposed expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,

(vi) in the case of a proposed expenditure to be made pursuant to a contract, it is not contrary to the provisions of the contract, and

(vii) the proposed expenditure would not, if made, contravene this or any other Act or a regulation, directive or order made pursuant to this or any other Act;

(b) in the case of a proposed disbursement that is not an expenditure, he is satisfied that

(i) there is money available for the purpose of making the proposed disbursement,

(ii) he has received the certificate of an accounting officer made pursuant to section 37(2) relating to the proposed disbursement,

(iii) in the case of a proposed disbursement to be made pursuant to a contract, it is not contrary to the provisions of the contract,

(iv) in the case of a proposed disbursement to be made from a regulated fund, it is not contrary to any instrument that created the fund or that governs disbursements from the fund, and

39 Disbursement control by Treasurer. See present sections 29, 30(2), 34, 44 and 57.

(v) the proposed disbursement would not, if made, contravene this or any other Act or a regulation, directive or order made pursuant to this or any other Act.

40 Where a difference of opinion arises between the Treasurer and a department head, fund administrator or Provincial agency respecting the appropriation or account to which a disbursement should be charged, the matter shall be referred to the Treasury Board which shall decide the matter.

41 Where the Treasurer refuses to make a disbursement, the Treasury Board, upon a report of the case prepared by the Treasurer or by the department head, fund administrator or Provincial agency requesting that the disbursement be made shall review the matter and make such order as it considers appropriate.

42 The Treasurer shall prepare for each fiscal year a statement of all special warrants issued during that fiscal year and the payments made from the authority provided by each of those warrants.

43(1) The Treasurer may make accountable advances from the General Revenue Fund

(a) to an account administered by a department head or to a fund administrator

(i) for the purpose of refunding money

(A) that has been deposited, or

(B) that is required to be deposited,

in the General Revenue Fund, or

(ii) for any other purpose permitted by the Treasury Board,

or

(b) to any public employee, public official, personal service contractor or other person temporarily or otherwise employed or engaged upon the public business for the purpose of paying travelling and other necessary expenses, but no accountable advance shall be made under this clause otherwise than in accordance with regulations made by the Treasury Board.

(2) A fund administrator may make accountable advances from the regulated fund that he administers

40 Difference of opinion over appropriation or account. See present section 32.

41 Dispute over making of disbursement. See present sections 35 and 37.

42 Statement re warrants. See present section 32.

43 Accountable advances. See present sections 40 and 42.

(a) to any public employee, public official, personal service contractor or other person temporarily or otherwise engaged upon the public business for the purpose of paying travelling and other necessary expenses, or

(b) for any other purpose approved by the Treasury Board,

but no accountable advance shall be made under this subsection otherwise than in accordance with regulations made by the Treasury Board.

(3) Sections 37 and 39 do not apply to disbursements made from an accountable advance made pursuant to subsection (1) (b) or subsection (2) (a).

(4) The deputy head of the department, the fund administrator or any person authorized by the deputy head or fund administrator shall perform the function of the Treasurer under section 39(b) in relation to any disbursement made from an accountable advance made under subsection (1) (a).

(5) A fund administrator or the deputy head of a department whose department head administers an account that receives an accountable advance and any other recipient of an accountable advance from the General Revenue Fund shall account for it at such times and in such manner as the Treasurer may direct, and on a demand by the Treasurer shall repay any part of the advance not accounted for to the Treasurer's satisfaction.

(6) The recipient of an accountable advance from a regulated fund shall account for it at such times and in such manner as the fund administrator may direct, and on demand by the fund administrator shall repay any part of the advance not accounted for to the fund administrator's satisfaction.

44 Upon the direction of the Treasury Board, the Treasurer shall advance money from the General Revenue Fund to the Alberta Heritage Savings Trust Fund in such amounts as may be specified in the direction upon such terms and conditions as the Treasury Board may impose.

45(1) Every Provincial corporation, fund administrator and revolving fund shall pay interest to the Treasurer or a fund administrator upon any advance to the Provincial corporation, fund administrator or revolving fund from the General Revenue Fund or the regulated fund administered by the fund administrator, as the case may be, at the rate or rates fixed by the Treasury Board.

(2) A Provincial corporation or revolving fund shall, on demand, remit to the Treasurer all or any part of its net earnings and retained earnings as specified by the Treasurer.

44 Advances to the Alberta Heritage Savings Trust Fund. See present section 40.2.

45 Interest on advances and unremitted earnings. See present section 40.1.

(3) Every Provincial corporation and revolving fund shall pay interest to the Treasurer upon the net earnings and retained earnings of the Provincial corporation or revolving fund not remitted to the Treasurer pursuant to subsection (2) at the rate or rates fixed by the Treasury Board.

(4) For the purpose of subsections (2) and (3), the Treasury Board may determine the net earnings and retained earnings of a Provincial corporation or a revolving fund.

(5) Interest payable under subsection (3) shall be computed from the end of the fiscal year in which the earnings were earned.

(6) Notwithstanding subsections (1) and (3), the Treasury Board may exempt a Provincial corporation or revolving fund from the payment of all or any part of the interest payable under this section.

46(1) Every rebate or refund of revenues payable from public money under any Act shall be paid out of the General Revenue Fund and shall be shown as a deduction from those revenues in the accounts of the Crown.

(2) Every commission payable from public money under any Act for which no authority for payment exists under a supply vote shall be paid out of the General Revenue Fund.

46 Payment of rebate, refund or commission. See present section 41.

PART 5

INVESTMENTS

47 In this Part,

(a) “depositor” means a person who is designated as a depositor of the Investment Fund by a regulation made under section 51(2) but does not include a person who is deemed not to be a depositor pursuant to section 51(5);

(b) “designated fund” means

(i) a fund or account that is held or maintained by a depositor and that is described or specified by name in a regulation made under section 51(2), or

(ii) the money or investments of a depositor that are described or specified by name in a regulation made under section 51(2),

but does not include a fund, account, money or investments deemed not to be a designated fund pursuant to section 51(5);

(c) “Investment Fund” means the Consolidated Cash Investment Trust Fund.

48(1) This Part does not apply to, and no regulations shall be made under section 51(2) so as to affect, any fund, account, money or investments held by a depositor in trust

(a) where there is an express trust or direction, whether in an Act or otherwise, for the investment of the money or funds so held in trust, or

(b) where the trust would, except for section 52 or 53, be breached if any of the money or funds were transferred to the Investment Fund.

(2) A reference to a fund or account that is a designated fund shall be read as referring to the money in that fund or account and an investment made from money in that fund or account.

49(1) The Treasurer may invest money in the General Revenue Fund in any or all of the following:

(a) securities of a Provincial corporation;

47 Definitions. See present section 28.1

48 Trusts not to be affected. Present section 28.2

49 Investment of money in General Revenue Fund. See present section 16.

(b) securities of a city, town, village, municipal district, county or hospital district in Alberta or of the board of trustees of a school district or school division in Alberta;

(c) certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch;

(d) securities unconditionally guaranteed by a bank as to repayment of principal and interest;

(e) investment certificates as defined in *The Trust Companies Act* issued or entered into by a trust company registered under that Act;

(f) securities of the Alberta Energy Company;

(g) securities of the Export Development Corporation under the *Export Development Act* (Canada);

(h) an investment within the classes of investments enumerated in section 63(1) of the *Canadian and British Insurance Companies Act* (Canada) as amended from time to time.

(2) The Treasurer may hold and dispose of securities forming part of the General Revenue Fund that are acquired otherwise than pursuant to subsection (1) and that are not, at the time of their acquisition by the General Revenue Fund, within any of the classes of investments or securities enumerated in subsection (1).

(3) In addition to the power of investment under subsection (1), the Treasurer may, pursuant to section 7 of *The Treasury Branches Act*, invest or lend money deposited by the Crown in the Treasury Branches Deposits Fund.

50 The Treasurer may enter into an agreement with a person under which that person provides services to the Treasurer for or in connection with

(a) the acquisition, in the name of that person, of mortgages authorized under this Act, on behalf of the Treasurer,

(b) the administration, management, renewal, substitution and disposition of those mortgages, and

(c) the doing of any act relating to the recovery of money payable under those mortgages.

51(1) The Treasurer shall establish and maintain a fund called the "Consolidated Cash Investment Trust Fund" of which he shall be the trustee.

50 Agreement respecting mortgage acquisition and management.
New.

51 Consolidated Cash Investment Trust Fund. See present section
28.3.

(2) Subject to subsection (3), the Lieutenant Governor in Council, upon the recommendation of the Treasurer, may by regulation

(a) designate a person as a depositor, and specify the fund, account, money or investments (whether held in trust or otherwise) that is the designated fund of that depositor,

(b) with respect to a depositor, alter or replace the description of, add to or remove any of the designated funds of that depositor, or

(c) remove a depositor and the designated funds of that depositor from the Investment Fund.

(3) A regulation made under subsection (2) shall not

(a) designate as a depositor a person other than a Provincial agency or Minister of the Crown, or

(b) change the designated funds of a depositor other than a Provincial agency or Minister of the Crown,

without the prior consent of that person or depositor.

(4) If a person other than a Provincial agency or Minister of the Crown is designated as a depositor pursuant to subsection (2), that person may give notice in writing to the Treasurer to

(a) remove that person as a depositor of the Investment Fund, or

(b) remove a designated fund of that person specified in the notice from the Investment Fund.

(5) At the expiration of 30 days from the receipt by the Treasurer of a notice under subsection (4) or at such earlier time as may be specified by the Treasurer, the person or the fund, account, money or investments specified in the notice is deemed not to be a depositor or designated fund, as the case may be, and the Lieutenant Governor in Council shall amend the regulations made under subsection (2) accordingly.

52(1) The Treasurer shall transfer to the Investment Fund money in a designated fund of the Treasurer that is not then required to be paid for any purpose.

(2) Upon being directed by the Treasurer to do so, a depositor shall transfer to the Investment Fund any portion specified by the Treasurer of the money in a designated fund of the depositor that is not then required for payment, but if the depositor objects to the direction or to the amount specified in the direction, the matter shall be referred to the Treasury Board for determination.

52 Transfers to Investment Fund. See present section 28.4.

(3) A depositor, on his own initiative, may transfer to the Investment Fund any portion of the money in a designated fund held by him and not then required for investment or other payment.

53(1) Where a depositor, other than the Treasurer, has power to invest money in a designated fund,

(a) that depositor's power to invest money and to exchange, sell and dispose of those investments may be exercised only with the approval of the Treasurer, and

(b) that depositor shall, at the direction of the Treasurer, sell, exchange, replace or otherwise dispose of investments in the depositor's designated fund.

(2) Where the Treasurer refuses to approve a proposed investment or a proposed exchange, sale or disposal of an investment pursuant to subsection (1)(a) or where the depositor objects to a direction of the Treasurer under subsection (1)(b), the matter shall be referred to the Treasury Board for determination.

54 The Treasurer shall invest money in the Investment Fund in any of the classes of investments or securities enumerated in section 49(1).

55 Subject to an order of the Lieutenant Governor in Council under section 69, money in a sinking fund created for the repayment of a loan or Government security may be invested in any of the classes of investments or securities enumerated in section 49(1).

56 The Treasurer may dispose of securities acquired or held under this Part.

57(1) In addition to the powers of investment under sections 49 and 54, the Treasurer may make loans from the General Revenue Fund or the Investment Fund repayable on demand or within a term not exceeding 30 days on the security of the pledge of investments or securities of any of the classes enumerated in section 49(1) owned by the borrower and having a market value at least equal to the amount loaned.

(2) A loan under subsection (1) may only be made to

(a) the Government of Canada or the government of a province of Canada,

53 Regulation of depositor's investments. See present section 28.5.

54 Investment of money in the Investment Fund. See present section 28.6.

55 Investment of money in a sinking fund. See present section 86.

56 Disposing of investments. See present sections 16, 28.6(3) and 86(2).

57 Short-term or "call" loans. New.

(b) a municipal corporation in Canada,

(c) a bank or trust company, or

(d) a person whose principal business consists of the underwriting, distribution or buying and selling from and to the public in Canada of any of the classes of investments or securities enumerated in section 49(1).

58(1) Money paid into the Investment Fund, including earnings, shall be credited forthwith to the Investment Fund in one or more accounts in a bank, treasury branch or other financial institution, and that money shall be used only in accordance with this Part.

(2) No money shall be credited to an account referred to in subsection (1) other than money received by the Investment Fund pursuant to this Part.

(3) Dividends, interest, proceeds of the sale of securities and other receipts and brokerage fees, taxes, costs of purchasing or disposing of securities and other payments from the Investment Fund shall be paid into, paid out of or chargeable against, the account or accounts kept under subsection (1), and the net profit or loss, except as provided by regulations made or directives issued by the Treasury Board, shall be allocated to the designated funds in proportion to the net contributions of the respective depositors in relation to their designated funds in the Investment Fund.

(4) The Treasurer shall keep proper books and accounts for the Investment Fund, including a separate account for each fund or class of funds contributed by each depositor and showing the depositor's participation in the Investment Fund, including all deposits, all withdrawals and the net profits or losses allocated under subsection (3).

(5) As soon as possible after the end of each month, the Treasurer shall give each depositor a true statement of his account in the Investment Fund.

59(1) The Treasurer shall transfer from the Investment Fund to a designated fund of the Treasurer, to the extent of the participation of the designated fund in the Investment Fund, money that is then required by the Treasurer for the purpose of making a disbursement from the designated fund.

58 Administration of Fund. See present section 28.7.

59 Re-transfer to depositor. See present section 28.8.

(2) Upon being directed by a depositor to do so, the Treasurer shall transfer from the Investment Fund to the depositor's designated fund specified in the direction, to the extent of the participation of the designated fund in the Investment Fund, money that is then required by the depositor to meet an obligation.

PART 6

DIRECT GOVERNMENT DEBT

60 In this Part, “Government securities” means notes, bonds, debentures or interest bearing or non-interest bearing treasury bills, issued by the Crown or other securities under which the Crown is the debtor, but does not include an instrument given by the Crown as security for the repayment of an overdraft.

61(1) The Lieutenant Governor in Council may by order authorize the Treasurer on behalf of the Crown to borrow money in the amounts set out in the order for the purpose of making disbursements.

(2) The Treasurer shall prepare for each fiscal year a report of the borrowings made under subsection (1) during that fiscal year for which Government securities were issued.

62(1) An order in council under section 61 may authorize the Treasurer to borrow money in one or more of the following ways or a combination of them:

- (a) by the issue and sale of Government securities;
 - (b) by loans from a bank, treasury branch or person by way of overdraft or line of credit;
 - (c) by issuing and pledging Government securities or pledging securities that are not Government securities;
 - (d) in any other manner that the order may specify.
- (2) An order in council under section 61 shall specify
- (a) in relation to a loan to be secured by the issue and sale of a class or classes of Government securities other than treasury bills,
 - (i) the gross amount that may be borrowed,
 - (ii) the time within which the borrowing may take place,
 - (iii) the maturity date or dates for and the maximum interest rate of the securities that are to be issued,

60 Definition. See present section 68.

61 Borrowing power of the Crown. See present sections 17 and 70 and section 1 of The Alberta Loan Act, 1976.

62 Terms of order in council. See present sections 17(1) and 69.

- (iv) the currency in which the securities are to be issued,
 - (v) if the securities are to be sold at a discount, the minimum price for which they may be sold,
 - (vi) if a premium is to be paid on redemption of the securities, the maximum premium that may be paid, and
 - (vii) whether a sinking fund is to be established from which the indebtedness is to be repaid;
- (b) in relation to the issue and sale of treasury bills,
- (i) the gross amount of treasury bills that may be outstanding,
 - (ii) in the case of non-interest bearing treasury bills, the minimum price for which they may be sold,
 - (iii) in the case of interest bearing treasury bills, the maximum interest rate that they may bear,
 - (iv) the maturity date or dates or the term or terms of the treasury bills that are to be issued, and
 - (v) the currency in which the treasury bills are to be issued.

63(1) The Lieutenant Governor in Council may authorize the Treasurer to change the form of unredeemed Government securities by replacing one class of Government securities with another.

(2) The replacement of one class of Government securities for another under subsection (1) may be made by the sale of Government securities of one class and the purchase of Government securities of another class.

(3) Notwithstanding subsection (1), the replacement of one class of Government securities for another may only be made

- (a) with the consent of the holder of the Government securities for which other Government securities are substituted, or
- (b) if the Government securities had been purchased by or on account of the Crown.

64 Where a loan by the Government is authorized by an order of the Lieutenant Governor in Council under section 61 or any other Act and the order authorized the raising by way of loan a

63 Replacement of Government securities. See present section 83.

64 Loans in foreign currencies. See present section 78.

specific or maximum amount of Canadian dollars by the issue and sale of Government securities, then, if the amount of the loan is raised, in whole or in part, by the issue and sale of Government securities payable in the currency of a country other than Canada, the order shall be construed as authorizing 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 order in council authorizing the Government securities to be issued was enacted, as that nominal rate is determined by any bank in Canada.

65(1) The amount of the unredeemed Government securities less the amount of the sinking funds established for the retirement of Government securities and the interest accrued on those sinking funds shall at no time exceed \$500 000 000.

(2) The total net amount outstanding of all overdrafts incurred by the Crown at a bank, treasury branch or other financial institution shall at no time exceed \$200 000 000.

(3) For the purposes of this section, if Government securities are issued in a currency other than Canadian dollars, the amount of those securities shall be considered to be the equivalent amount of Canadian dollars 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 order in council authorizing the Government securities to be issued was enacted, as that nominal rate is determined by any bank in Canada.

66(1) Subject to sections 61, 62 and 65, the Treasurer may, in his discretion, determine the amount of and the manner in which money is to be raised on behalf of the Crown by way of loan, and without limiting the generality of the foregoing, may specify

(a) in relation to a loan to be secured by the issue and sale of a class or classes of Government securities other than treasury bills

(i) the form of security, if any, that may be given,

(ii) the classes and denominations of securities that may be issued,

(iii) the interest rate that the securities may bear,

(iv) the amount for which the securities may be sold whether that amount is at par value or more or less than par value of the security,

65 Debt limit. New.

66 Terms of borrowing. New.

(v) the premium, if any, that may be paid upon the redemption of the securities,

(vi) whether the securities will be redeemable prior to maturity at the option of the Treasurer or the holder of the securities, and if they are so redeemable, whether a premium will be paid or a discount applied, as the case may be,

(vii) the time and place at which, and the manner and currency in which the loan may be repaid,

(viii) the rates of exchange that will apply to a loan,

(ix) the conditions governing the registration and transfer of the securities within and outside of Alberta, and

(x) the conditions governing the exchange of securities of one form or denomination for securities of a different form or denomination but bearing the same rate of interest and in the equivalent aggregate principal amount;

(b) in relation to treasury bills,

(i) the price or prices for which they may be sold or the rate of interest that they may bear, as the case may be,

(ii) the times at which they may be sold, and

(iii) whether they may be sold by private or public tender;

(c) in relation to a loan secured by way of overdraft or line of credit, the rate of interest that may be paid;

(d) in relation to a loan secured by issuing and pledging Government securities or pledging securities that are not Government securities,

(i) the classes and amounts of Government securities that may be issued and pledged,

(ii) the value of the securities that are not Government securities that may be pledged, and

(iii) the rate of interest that may be paid.

(2) The Treasurer may, for the purpose of arranging for the sale of Government securities, appoint a person as his agent for the purpose of exercising his powers under subsection (1)(a)(iv).

67(1) The Treasurer shall execute Government securities and may execute any other instrument necessary or desirable in connection with the borrowing of money under this Part.

(2) The signature of a person authorized to be affixed to Government securities or another instrument under subsection (1) may be printed, engraved, lithographed or otherwise reproduced and the signature so reproduced is for all purposes valid and binding on the Crown notwithstanding that the person whose signature is so reproduced has ceased to hold office before the date of the Government securities, the date of the issue of the Government securities or the date of the other instrument, as the case may be.

68(1) Government securities pledged as security for a loan and released from the pledge are not extinguished by the pledge.

(2) The Treasurer shall prepare for each fiscal year a report of the amount of the debt of the Crown outstanding at the end of the fiscal year for which securities were pledged under this Part.

69(1) The Lieutenant Governor in Council may provide for

- (a) the creation, management and application of sinking funds,
- (b) other means of ensuring the repayment of Government securities, or
- (c) the redemption by call of Government securities issued subject to redemption in advance of maturity.

(2) Money required

- (a) to provide a sinking fund or other means of ensuring the repayment of Government securities,
- (b) to redeem or repay the principal amount of Government securities,
- (c) to pay a premium in connection with the redemption or repayment of Government securities,
- (d) to pay the remuneration and compensation of registrars and fiscal agents whose services are engaged in connection with any matter related to Government securities, and
- (e) to pay the costs, expenses and charges incurred in the negotiation or raising of loans by the Government or in the issue, redemption, servicing, payment and management of loans and the Government securities issued in respect of those loans,

67 Execution of Government securities. See present section 79.

68 Pledged securities and report thereon. See present sections 81 and 82.

69 Loan obligations payable out of the General Revenue Fund. See present sections 71, 74, 75(2) and 80.

shall be paid out of the General Revenue Fund except where the payment is made from a sinking fund or by other means pursuant to subsection (1).

(3) Interest on Government securities shall be paid out of the General Revenue Fund in the absence or insufficiency of a supply vote for that purpose.

70 The Lieutenant Governor in Council may, on the recommendation of the Treasurer, make regulations or orders

(a) governing the inscription, registration, transfer, transmission, exchange, redemption or cancellation of Government securities;

(b) governing the sale or other disposition of Government securities;

(c) respecting the appointment and duties of fiscal agents and the remuneration payable to them.

71 A public employee, public official, personal service contractor or other person employed or engaged in the inscription, registration, transfer, management or redemption of Government securities or in the payment of interest on those securities is not bound to see to the execution of a trust, expressed or implied, to which the securities are subject.

70 Regulations. See present section 87.

71 Immunity as to trusts. See present section 84.

PART 7

CROWN GUARANTEES AND INDEMNITIES

72 (1) In this Part,

(a) “guarantee” means a guarantee by the Crown or a Provincial corporation of a debt;

(b) “indemnity” means an undertaking by the Crown or a Provincial corporation

(i) to perform an obligation of a person under a contract, upon the default of that person, or

(ii) to hold harmless a party to a contract from a loss suffered as a result of

(A) the default of another party to the contract, or

(B) a provision of the contract,

but does not include a guarantee.

(2) This Part does not apply to a guarantee of the payment of a pension, annuity or other benefit under a pension plan or the guarantee given by *The Treasury Branch Deposits Guarantee Act*.

73(1) The Lieutenant Governor in Council may, upon the recommendation of the Treasurer, make regulations

(a) governing the information to be included in and the documentation that must accompany an application for a guarantee or indemnity;

(b) prescribing the fees payable to the Crown or a Provincial corporation in respect of the giving of guarantees or indemnities;

(c) prescribing the conditions under which guarantees or indemnities may be given;

(d) prescribing the information and reports that are required to be submitted to the Treasurer or a Provincial corporation by the debtor and the creditor under a guaranteed debt and by the obligor and the obligee under an indemnified contract, and prescribing the form of the information and reports and the times at which they are to be submitted;

72 Definitions. New.

73 Regulations re guarantees and indemnities. New.

- (e) prescribing the form of guarantees and indemnities;
 - (f) prescribing the amount and form of the security to be given by the debtor or obligor to the Crown or a Provincial Corporation under a guaranteed debt or indemnified contract;
 - (g) prescribing the information and reports that are required to be submitted to the Treasurer by Ministers of the Crown, Provincial corporations or other persons authorized by law to give guarantees or indemnities, and prescribing the form of the information and reports and the times at which they are to be submitted;
 - (h) prescribing the requirements to be met by creditors or obligees under guaranteed debts or indemnified contracts before payment or performance may be made on behalf of the Crown or a Provincial corporation as a result of being liable under a guarantee or indemnity;
 - (i) prescribing the procedures to be followed by a Provincial corporation upon the receipt of a demand for payment or performance by the Provincial corporation arising out of a guarantee or indemnity and before the payment is made or the performance is undertaken;
 - (j) prescribing, with respect to an Act,
 - (i) the maximum amount of the total outstanding contingent liability, excluding interest, of the Crown or a Provincial corporation as a result of guarantees or indemnities given under that Act,
 - (ii) the maximum amount of an individual guarantee or indemnity,
 - (iii) the maximum percentage of the principal amounts of loans that may be guaranteed, or
 - (iv) the maximum percentage of the total obligation that may be indemnified.
- (2) Regulations made under subsection (1) may classify guarantees or indemnities by the amount that is or may be involved in the guarantee or indemnity, by the Act under which the guarantee or indemnity is given or by any other means, and different provisions may govern different classes of guarantees or indemnities.
- (3) An instrument creating or evidencing a guarantee or indemnity given by the Crown may be signed by the Treasurer.

74 No guarantee except a guarantee given by an Act shall be given for the indebtedness of a debtor except with the approval of

(a) the Treasurer, where the guarantee, if given, would result in the total amount guaranteed in respect of that debtor being less than \$500 000, or

(b) the Treasury Board, where

(i) the guarantee, if given, would result in the total amount guaranteed in respect of that debtor being \$500 000 or more, or

(ii) the Treasurer has declined to give his approval of a guarantee under clause (a).

75 A payment by the Crown as a result of its liability under a guarantee or indemnity shall be paid out of the General Revenue Fund.

76 The Treasurer shall prepare, in accordance with the regulations, a report for each fiscal year of the Crown and for each fiscal year of a Provincial corporation during which it gave a guarantee or indemnity

(a) summarizing the guarantees and indemnities given in that fiscal year;

(b) showing the amounts paid by the Crown or the Provincial corporation during that fiscal year as a result of the Crown's or the Provincial corporation's liability under guarantees and indemnities;

(c) showing the amounts recovered during that fiscal year by the Crown or the Provincial corporation on debts owing to the Crown or the Provincial corporation as a result of payments made by them arising out of guarantees or indemnities.

74 Approvals required. New.

75 Payment under guarantee or indemnity. See present section 39.

76 Annual report re guarantees and indemnities. New.

PART 8

PUBLIC ACCOUNTS

77(1) As soon as practicable after the end of a fiscal year the Treasurer shall prepare the public accounts for that fiscal year in such form as he considers appropriate.

(2) The public accounts for a fiscal year shall include

(a) for the General Revenue Fund, a Provincial agency, a revolving fund and those regulated funds that the Treasurer considers appropriate

(i) financial statements, for the fiscal year of the Crown or the Provincial agency, as the case may be, including

(A) statements showing the financial position, results of operations and changes in financial position,

(B) a statement of the accounting policies followed in preparing the financial statements, and

(C) any other statements, reports, schedules, accounts, notes, explanations and information relating to the financial statements that the Treasurer may require, and

(ii) a summary of assets and liabilities,

(b) a summary of expenditures made under each appropriation,

(c) the reports or statements prepared pursuant to sections 28, 32(5), 42, 61(2), 68(2) and 76, and

(d) any supplementary schedules, statements, explanations and financial statements that the Treasurer may require.

78(1) When the Treasurer has prepared the public accounts for a fiscal year, he shall lay them before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

77 Contents of public accounts. See present section 49(1).

78 Tabling of public accounts and the Auditor General's report on them. See present section 49(2).

(2) If the Auditor General's report on the financial statements of the Crown made pursuant to section 18 of *The Auditor General Act* is available, it shall be laid before the Legislative Assembly with the public accounts and if it is not then available, it shall, when it is available, be laid before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

PART 9

MANAGEMENT PROCEDURES

79(1) The Treasury Board may make regulations or issue directives governing standards to be observed when contracts are entered into by or on behalf of the Crown or a Provincial agency where those contracts relate to

- (a) the acquisition, management, use or disposition of property or a class of property;
- (b) the buying or selling of goods by or to the Crown or a Provincial agency;
- (c) the rendering of services by or to the Crown or a Provincial agency.

(2) A contract entered into by or on behalf of the Crown or a Provincial agency is not invalid by reason only of the fact that the contract was entered into in breach of the regulations or directives or that the contract was not in accordance with the regulations or directives.

80(1) The Treasury Board may make regulations or issue directives respecting the acquisition, management, use or disposition of real or personal property by the Crown or a Provincial agency.

(2) A regulation or directive made or issued under subsection (1) is effective in relation to real property only to the extent that the acquisition, management, use or disposition of that real property is not governed by another Act or regulations under another Act.

81(1) Where a Provincial corporation has the power to borrow money secured by issuing securities,

- (a) the Treasurer is the exclusive agent of the corporation for the purpose of negotiating and determining the terms and conditions of the loan,
- (b) the corporation has no power to negotiate the loan otherwise than through the Treasurer as its agent, and
- (c) no order in council shall be made under an Act to approve the making of loans secured by the Provincial corporation issuing securities except on the recommendation of the Treasurer.

79 Treasury Board regulation of contracts. New.

80 Treasury Board regulation of real or personal property. New.

81 Treasurer's control of Provincial corporation borrowings. New.

(2) Where a Provincial corporation has the power to borrow money by way of overdraft or line of credit, the Treasurer may prescribe the amount of and the manner in which the money may be raised and the rate of interest that may be paid.

82(1) The Treasury Board may, in respect of a department, revolving fund or Provincial agency that supplies goods or renders services to another department, revolving fund or Provincial agency or to a fund administrator or public employee, public official or personal service contractor, issue directives

(a) designating the department, revolving fund or Provincial agency as one that shall make charges for those goods or services,

(b) specifying the goods or services or classes of goods or services for which charges are to be made,

(c) prescribing the respective charges or rates of charges to be made for those goods or services, and

(d) specifying the fund or account where transfers in payment of charges for those goods or services are to be credited,

and thereafter the department, revolving fund or Provincial agency shall supply goods or render services only in accordance with the directives.

(2) The Treasury Board may authorize a public employee, public official or personal service contractor to exercise its powers under subsection (1)(b) and (c).

(3) In this section, “department” has the meaning given to it in section 33.

83 The Treasury Board may conduct, or authorize a public employee, public official or personal service contractor to conduct, an examination of the operations or administration of a department, Provincial agency or fund administrator.

84 The Treasury Board may determine and control the establishment requirements of a department, Provincial committee or fund administrator.

85 The Treasury Board may make regulations or issue directives governing the bonding of public employees, public officials, personal service contractors and revenue officers.

82 Regulation of charges by departments, revolving funds and Provincial agencies. New.

83 Internal reviews. New.

84 Establishment requirements. New.

85 Bonding of public employees, etc. New.

PART 10

GENERAL

86(1) Where the Treasurer has reason to believe that a person

- (a) has received public money and has not duly paid it over,
- (b) has received public money for which he is accountable and has not duly accounted for it, or
- (c) has in his possession public money applicable to a purpose and has not applied it to that purpose,

the Treasurer may cause a notice to be served on that person or on his personal representative requiring him, within such time from the service of the notice as is stated in it, to pay over or account for the public money to the person and in the manner set out in the notice or to apply the public money in the manner set out in the notice, and to transmit to the Treasurer proper vouchers that he has done so.

(2) A notice referred to in subsection (1) may be served by delivering a copy of it to the person to whom it is addressed or by mailing it by registered mail to the person at his last known address.

(3) If a person fails to comply with a notice served on him under subsection (1) within the time stated on the notice, the Treasurer may state an account between that person and the Crown, showing the amount of public money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Treasurer, charging interest on the whole or any part of it at a rate and from a date as the Treasurer may determine.

(4) In any proceedings for the recovery of the public money, a copy of the account stated by the Treasurer, certified by him, shall be admitted in evidence and is prima facie proof that the amount stated in it, together with interest, is due and payable to the Crown, without proof of the appointment or signature of the Treasurer, and that amount and that interest, or such interest as the court considers reasonable, may be recovered as a debt due to the Crown.

87(1) A person who

- (a) has received public money payable to the Crown and has not duly paid it over,

86 Failure to pay over, account for or apply public money. See present section 89.

87 Public money held in trust. See present section 90.

(b) has received public money for which he is accountable to the Crown and has not duly accounted for it, or

(c) has in his possession public money applicable to a purpose set out in an appropriation and has not applied it to that purpose,

is deemed to hold that public money in trust for the Crown, and the Treasurer may recover that money from that person in any manner in which money owing to the Crown may be recovered.

(2) Until public money in the possession of a person in the manner described in subsection (1)(c) is recovered, the Treasurer may apply an equal sum from the General Revenue Fund to the purpose to which the public money should have been applied.

88 If a person wilfully refuses or neglects to transmit, furnish or deliver an account, statement or return with the proper documents to the Treasurer or to the officer or department to whom he is required to transmit, furnish or deliver it on or before the day appointed for the transmission, furnishing or delivery of it, he is guilty of an offence for every such refusal or neglect and liable on summary conviction to a fine of not more than \$1000, and in default of payment to imprisonment for a term not exceeding 3 months.

89 All books, papers, accounts and documents kept or used by or in the possession of a revenue officer by virtue of his employment as a revenue officer are the property of the Crown, and all money or valuable securities received or taken into his possession by virtue of his employment are the property of the Crown.

90(1) The Attorney General may sue for and recover in the name of the Government a penalty or forfeiture imposed by a law relating to the public revenue of Alberta or imposed for a breach of this Act.

(2) The whole of the penalty or forfeiture referred to in subsection (1) belongs to the Crown for the public use of Alberta unless the Lieutenant Governor in Council orders that a portion of it be paid to a person by whose information or aid the penalty or forfeiture was recovered.

(3) The Attorney General may direct the discontinuance of an action for a penalty or forfeiture referred to in subsection (1) irrespective of the person by whom or in whose name the action was brought.

88 Penalty for refusal to transmit accounts, etc. See present section 91.

89 Revenue officer's books, etc. are property of the Crown. See present section 92.

90 Actions for penalties or forfeitures. See present section 93.

91 (1) Subject to subsection (2), the Crown is not bound by an assignment

(a) by a public employee, public official or personal service contractor of salary or wages owing to him, or

(b) of any other debt of the Crown.

(2) The Treasurer may, by consenting to a particular assignment, exempt that assignment from the operation of subsection (1) or may make regulations exempting a class of assignments from the operation of subsection (1).

92 Nothing contained in this Act prevents, lessens or impairs a remedy given by law to the Crown or another person.

91 Assignments. See present section 96.

92 Savings of other legal remedies. See present section 94.

PART 11

CONSEQUENTIAL AND COMMENCEMENT

93(1) *The Alberta Heritage Savings Trust Fund Act is amended in section 9(3) by striking out “section 28.4, subsection (1) of The Financial Administration Act,” and substituting “section 52(1) of The Financial Administration Act, 1977,”.*

(2) *The Alberta Historical Resources Act is amended by repealing section 6(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(3) *The Alberta Hospital Association Act is amended in section 3(1)(e)(ii) by striking out “Provincial Auditor” and substituting “Provincial Treasurer”.*

(4) *The Alberta Municipal Financing Corporation Act is amended*

(a) by repealing section 9 and substituting the following:

9 Subject to *The Financial Administration Act, 1977*, the Crown in right of Alberta may acquire Class A common shares, notwithstanding any other Act of the Province.

(b) by repealing section 35 and substituting the following:

35 Subject to *The Financial Administration Act, 1977*, the Government of Alberta may purchase the securities of the corporation, notwithstanding any other Act of the Province.

(c) by repealing section 40 and substituting the following:

40 Where it becomes necessary or desirable to make any payment under the guarantee given by this Act, the Lieutenant Governor in Council may direct that the sum required be paid out of the General Revenue Fund.

(5) *The Cultural Development Act is amended*

(a) by repealing section 5(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(b) in section 7(1) by striking out “an advance account” and substituting “a revolving fund”, and

93(1) Amends chapter 2 of the Statutes of Alberta, 1976.

(2) Amends chapter 5 of the Statutes of Alberta, 1973.

(3) Amends chapter 22 of the Statutes of Alberta, 1948.

(4) Amends chapter 14 of the Revised Statutes of Alberta 1970.

(5) Amends chapter 82 of the Revised Statutes of Alberta 1970.

(c) by striking out “advance account” wherever it occurs in the following provisions and substituting “revolving fund”:

section 7 (2), (4), (6) and (8).

(6) The Department of Advanced Education and Manpower Act is amended by repealing section 4.2(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(7) The Department of Agriculture Act is amended by repealing section 12.1(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(8) The Department of the Attorney General Act is amended by repealing section 4.2(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(9) The Department of Business Development and Tourism Act is amended by repealing section 6(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(10) The Department of Consumer and Corporate Affairs Act is amended by repealing section 6.1(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(11) The Department of Education Act is amended

(a) by repealing section 7.1(1)(b) and substituting the following:

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(b) by repealing section 12(2) and substituting the following:

(2) The Minister shall establish and administer a revolving fund for the purposes of subsection (1), and the Provincial Treasurer shall, upon the requisition of the Minister, advance from and out of the General Revenue Fund to the revolving fund those sums of money as are required for the purposes of subsection (1).

(6) Amends chapter 28 of the Statutes of Alberta, 1972.

(7) Amends chapter 94 of the Revised Statutes of Alberta 1970.

(8) Amends chapter 95 of the Revised Statutes of Alberta 1970.

(9) Amends chapter 8 of the Statutes of Alberta, 1975 (Second Session).

(10) Amends chapter 22 of the Statutes of Alberta, 1973.

(11) Amends chapter 96 of the Revised Statutes of Alberta 1970.

(2.1) The net amount outstanding in respect of advances under subsection (2) shall not exceed \$4 000 000 or such lesser amount as may be determined by the Lieutenant Governor in Council.

(12) *The Department of Energy and Natural Resources Act is amended by repealing section 6(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(13) *The Department of the Environment Act is amended by repealing section 8.1(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(14) *The Department of Federal and Intergovernmental Affairs Act is amended by repealing section 5.1(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(15) *The Department of Government Services Act is amended*

(a) *by repealing section 6(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(b) *by striking out “advance account” in the following provisions and substituting “revolving fund”:*

section 12(1), (2), (4) and (6).

(16) *The Department of Housing and Public Works Act is amended*

(a) *by repealing section 9(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(b) *by striking out “stock advance fund” wherever it occurs in the following provisions and substituting “revolving fund”:*

section 14(1) and (2);

section 15(2), (3) and (4).

(17) *The Department of Labour Act is amended by repealing section 4.1(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(12) Amends chapter 10 of the Statutes of Alberta, 1975 (Second Session).

(13) Amends chapter 24 of the Statutes of Alberta, 1971.

(14) Amends chapter 33 of the Statutes of Alberta, 1972.

(15) Amends chapter 11 of the Statutes of Alberta, 1975 (Second Session).

(16) Amends chapter 13 of the Statutes of Alberta, 1975 (Second Session).

(17) Amends chapter 35 of the Statutes of Alberta, 1972.

(18) *The Department of Municipal Affairs Act is amended by repealing section 6.1(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(19) *The Department of Recreation, Parks and Wildlife Act is amended*

(a) *by repealing section 6(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(b) *by repealing section 7(2) and substituting the following:*

(2) The Minister shall establish and administer a revolving fund for the purposes of subsection (1), and the Provincial Treasurer shall, upon the requisition of the Minister, advance from and out of the General Revenue Fund to the revolving fund those sums of money as are required for the purposes of subsection (1).

(2.1) The net amount outstanding in respect of advances under subsection (2) shall not exceed \$250 000.

(20) *The Department of Social Services and Community Health Act is amended by repealing section 6.1(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(21) *The Department of the Solicitor General Act is amended by repealing section 4.1(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(22) *The Department of Transportation Act is amended*

(a) *by repealing section 7(1)(b) and substituting the following:*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(b) *by striking out “stock advance fund” wherever it occurs in the following provisions and substituting “revolving fund”:*

section 10(1) and (2);

section 11(2), (3) and (4);

section 12(2).

(18) Amends chapter 103 of the Revised Statutes of Alberta 1970.

(19) Amends chapter 15 of the Statutes of Alberta, 1975 (Second Session).

(20) Amends chapter 25 of the Statutes of Alberta, 1971.

(21) Amends chapter 67 of the Statutes of Alberta, 1973.

(22) Amends chapter 17 of the Statutes of Alberta, 1975 (Second Session).

(23) *The Department of Utilities and Telephones Act is amended by repealing section 8(1)(b) and substituting the following*

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(24) *The Election Act is amended by repealing section 2.3 and substituting the following:*

2.3 There shall be a department of the public service of Alberta called the Office of the Chief Electoral Officer consisting of the Chief Electoral Officer and those officers and employees appointed pursuant to *The Public Service Act* as may be necessary to assist the Chief Electoral Officer in the administration of his duties.

(25) *The Alberta Health Care Insurance Act is amended in section 25(2) by adding after clause (b) the following:*

(b.1) in connection with the administration of *The Financial Administration Act, 1977* or regulations, orders or directives under that Act, or

(26) *The Alberta Housing Act is amended in section 17(1) by striking out “Notwithstanding the provisions of The Financial Administration Act, the” and substituting “The”.*

(27) *The Improvement Districts Act is amended by repealing section 17.*

(28) *The Interpretation Act is amended by repealing section 26.*

(29) *The Liquor Control Act is amended by repealing section 21(4).*

(30) *The Motor Vehicle Accident Claims Act is amended by repealing section 34 and substituting the following:*

34(1) In any case where

(a) a payment on a judgment has been made from the Fund or the Unsatisfied Judgment Fund, as the case may be, to an applicant, and

(b) more than 10 years have elapsed since the payment was made,

the debt owing to the Fund may be written off pursuant to *The Financial Administration Act, 1977*.

(2) Where a debt owing to the Fund is written off under subsection (1), the Administrator shall close the account representing that debt.

(23) Amends chapter 68 of the Statutes of Alberta, 1973.

(24) Amends chapter 117 of the Revised Statutes of Alberta 1970.

(25) Amends chapter 166 of the Revised Statutes of Alberta 1970.

(26) Amends chapter 175 of the Revised Statutes of Alberta 1970.

(27) Amends chapter 180 of the Revised Statutes of Alberta 1970.

(28) Amends chapter 189 of the Revised Statutes of Alberta 1970.

(29) Amends chapter 211 of the Revised Statutes of Alberta 1970.

(30) Amends chapter 243 of the Revised Statutes of Alberta 1970.

(31) *The Ombudsman Act* is amended by repealing section 10(1) and substituting the following:

10(1) There shall be a department of the public service of Alberta called the Office of the Ombudsman consisting of the Ombudsman and those officers and employees appointed pursuant to *The Public Service Act* as may be necessary to assist the Ombudsman in the efficient carrying out of his functions under this Act.

(32) *The Research Council Act* is amended in section 5(2) by striking out “Notwithstanding *The Financial Administration Act*, the” and substituting “The”.

(33) *The Treasury Branches Act* is amended

(a) in section 4(2)(a) by striking out “and 8” and substituting “, 8 and 8.1”,

(b) by adding the following after section 8:

8.1 The Minister may make charges for goods supplied or services rendered by a treasury branch or an official or employee of a treasury branch to the Crown or to any other person on a basis or at a rate prescribed by the Minister.

(c) by repealing section 9(2) and (3) and substituting the following:

(2) The Fund shall be administered by the Minister in accordance with this Act.

(d) in section 9(4) by adding the following after clause (e.1):

(e.2) money received for goods supplied or services rendered under section 8.1;

(e) in section 10(2)(b) by striking out “*The Financial Administration Act*” and substituting “*The Financial Administration Act, 1977*”, and

(f) by repealing section 16 and substituting the following:

16 If there is a conflict between this Act and any other Act of the Legislature except *The Financial Administration Act, 1977*, this Act prevails.

(34) *The Water Resources Act* is amended in section 98(1) and (2) by striking out “stock advance fund” and substituting “revolving fund”.

(35) In the following enactments “*The Financial Administration Act*” is struck out and “*The Financial Administration Act, 1977*” is substituted:

(31) Amends chapter 268 of the Revised Statutes of Alberta 1970.

(32) Amends chapter 321 of the Revised Statutes of Alberta 1970.

(33) Amends chapter 370 of the Revised Statutes of Alberta 1970.

(34) Amends chapter 388 of the Revised Statutes of Alberta 1970.

(35) Consequential amendments.

The Alberta Government Telephones Act (R.S.A. 1970, c.12),
sections 15(4) (b) and 19(3);

The Alberta Resources Railway Corporation Act
(R.S.A. 1970, c.15),
section 21(4) (b);

The Legislative Assembly Act (R.S.A. 1970, c.204),
section 33.2;

The Recreation, Parks and Wildlife Foundation Act (S.A. 1976,
c.49),
section 5(3) (a);

The Universities Act (R.S.A. 1970, c.378),
section 28(4) (b);

The Workers' Compensation Act (S.A. 1973, c.87),
section 61(1).

94(1) *The Financial Administration Act* is repealed.

(2) Notwithstanding subsection (1), *The Financial Administration Act* is in force after its repeal in relation to any matter not completed by March 31, 1978 and pertaining to the fiscal year ending on March 31, 1978 or any previous fiscal year, until those matters are completed.

95 This Act comes into force on April 1, 1978.

94 Repeals chapter 142 of the Revised Statutes of Alberta 1970.