



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

FINANCIAL ADMINISTRATION ACT

PLEASE NOTE

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

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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FINANCIAL ADMINISTRATION ACT

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FINANCIAL ADMINISTRATION ACT

CHAPTER F-9

1. Definitions

In this Act,

- (a) **“appropriation”** means any authority of the Legislature to pay money out of the Operating Fund;
- (a.1) **“appropriation vote”** means the total funds appropriated for each department or Crown corporation set out as a separate amount in the Schedules to the *Appropriation Acts* for a fiscal year;
- (b) **“auditor”** in relation to a reporting entity, means the person authorized by law to audit the accounts of the reporting entity;
- (c) **“Auditor General”** means the person appointed to hold the office of Auditor General under the *Audit Act* R.S.P.E.I. 1988, Cap. A-24;
- (d) **“bank”** means a bank governed by an Act of Parliament;
- (e) **“Board”** means the Treasury Board constituted under the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12;
- (f) **“Comptroller”** means the person appointed as Comptroller under section 14.03;
- (g) repealed by 1996, c.15, s.1;
- (h) **“Crown corporation”** means a corporation which is
 - (i) established by an Act or incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or the *Business Corporations Act* R.S.P.E.I. 1988, Cap. B-6.01, and
 - (ii) accountable to a Minister or through a Minister to the Legislative Assembly for the conduct of its affairs,
 and includes a corporation
 - (iii) in which the Government owns a majority of the shares carrying the right to appoint at least a majority of the members of the board of directors,
 - (iv) in which the Government owns the net assets of the corporation such that the Government has the ongoing right to access them,
 - (v) in which the Government controls the financial and operating policies of that organization without relying on the cooperation of others,
 - (vi) which is stated to be a Crown agent by its Act of Incorporation or by this Act,
 - (vii) which is included in Schedule B, or
 - (viii) which is a subsidiary of any corporation referred to in subclauses (i) to (vii);
- (i) **“department”** means a department or division of the public service named in Schedule A;

- (i.1) “**Deputy Minister**” means the Deputy Minister of Finance;
- (j) “**educational institution**” means a public post-secondary educational institution;
- (j.1) “**financial institution**” means
 - (i) a bank,
 - (ii) a body corporate to which the *Trust and Loan Companies Act* (R.S.C. 1985 Chap. T-19.8 applies,
 - (iii) a cooperative credit society to which the *Cooperative Credit Associations Act* R.S.C. 1985, Chap. C-41.01 applies,
 - (iv) an insurance company to which the *Insurance Companies Act* R.S.C. 1985, Chap. I-11.8 applies,
 - (v) a trust, loan or insurance corporation or a cooperative credit society incorporated under an Act or an Act of another province,
 - (vi) an entity, whether incorporated or formed under an Act of Canada or a province, that is primarily engaged in dealing in securities, including portfolio management and investment counselling;
- (k) “**fiscal year**” means the period beginning on April 1 in one year and ending on March 31 in the next year;
- (l) “**Minister**” means, unless this Act indicates otherwise, the Minister of Finance;
- (m) “**money**” includes negotiable instruments;
- (n) “**money paid to the province for a special purpose**” includes all money paid to a public officer under a statute, trust, treaty, undertaking or contract, to be disbursed for a purpose specified in such statute, trust, treaty, undertaking or contract;
- (o) “**negotiable instrument**” includes any cheque, draft, traveller’s cheque, bill of exchange, postal note, money order, postal remittance, electronic payment and any other similar instrument;
- (p) “**Operating Fund**” means the aggregate of all public moneys that are on hand and on deposit to the credit of the province;
- (p.1) repealed by 2005, c.39, s.10;
- (q) “**public money**” means all money belonging to the province received or collected by the Minister or any public officer in the Minister’s or public officer’s official capacity or any person authorized to receive or collect such money, and includes
 - (i) revenues of the province,
 - (ii) money borrowed by the province or received through the sale of securities,
 - (iii) money received or collected for or on the behalf of the province, and
 - (iv) money paid to the province for a special purpose;
- (r) repealed by 2005, c.39, s.10;
- (s) “**reporting entity**” means an organization that
 - (i) is not listed in Schedule A, and
 - (ii) is accountable for the administration of its financial affairs and resources to a Minister or through a Minister to the Legislative Assembly and includes those listed in Schedule B, C or D;
- (t) “**Secretary**” means the Secretary to Treasury Board appointed under subsection 4.01(1); 1980, c.21, s.1; 1983, c.1, s.6; 1983, c.33, s.66; 1986, c.5, s.2; 1993, c.29, s.3; 1996, c.15, s.1; 2001, c.35, s.1; 2002, c.29, s.22; 2005, c.39, s.10; 2008, c.14, s.1; 2010, c.14, s.3; 2012, c.15, s.1, 2; 2014, c.30, s.1; 2015, c.28, s.3; 2019, c.27, s.7(2); 2023, c.19, s.1.

PART I — TREASURY BOARD**FUNCTIONS, DUTIES AND POWERS****2. Functions**

The Board shall act for the Executive Council in relation to

- (a) general policy on the administration of the public service of Prince Edward Island;
- (b) the organization of the public service or any portion thereof, the control of the establishments therein and the determination of terms and conditions of employment of persons employed therein;
- (c) the preparation of the Estimates of Capital and Operating Revenue and Expenditure and the review of expenditure plans and programs and the recommendation of priorities in respect thereof;
- (d) financial management, including estimates, expenditures, financial commitments, accounts, fees or charges for the provision of services or the use of facilities, rentals, licenses, leases, revenues from the disposition of property, and procedures by which departments or reporting entities manage, record and account for revenues received or receivable from any source; and
- (e) such other matters as may be referred to it by the Lieutenant Governor in Council.
1980, c.21, s.2; 1996, c.15, s.2; 2008, c.14, s.3.

3. Duties

(1) The Board shall

- (a) prepare the
 - (i) Estimates of Operating Revenue and Expenditure, and
 - (ii) Estimates of Capital Revenue and Expenditure;
- (a.1) assign to the Secretary such functions as the Board considers appropriate;
- (b) direct the manner and form in which the appropriation accounts of the province are to be kept;
- (c) establish procedures for the processing and approval of the transfer of funds between appropriation accounts;
- (d) set rules and guidelines for the administration of departments; and
- (e) direct the coordination of administrative functions among and within departments and reporting entities.

Powers

(2) The Board may

- (a) require from any public officer or any agent of the Government any account, return, statement, document, report or information that the Board considers necessary for the performance of its functions;
- (b) establish or abolish positions within the civil service; and
- (c) take such action as it considers necessary for the efficient administration of the public service. *1980, c.21, s.3; 1996, c.15, s.3; 2008, c.14, s.4; 2012, c.15, s.6; 2016, c.8, s.1(1)(a).*

4. Delegation of authority

- (1) The Lieutenant Governor in Council may, by order, authorize the Board to exercise any of the powers of the Lieutenant Governor in Council in relation to the management of the financial affairs of the province.

Directions

- (2) The Board in the exercise of its powers under this or any other Act is subject to any direction given to it by the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by order, amend or revoke any decision of the Board. *1980, c.21, s.4.*

SECRETARY

4.01 Appointment

- (1) The Lieutenant Governor in Council shall appoint an officer, to be known as the Secretary to Treasury Board, who shall
- (a) perform such functions as the Board may assign to the Secretary; and
 - (b) perform such other functions as the Lieutenant Governor in Council may assign or transfer to the Secretary under the *Public Departments Act* R.S.P.E.I. 1988, Cap. P-29.

Deputy Minister for Board

- (2) The Secretary shall, in respect of the functions assigned to the Secretary by the Board, rank as and have all the powers and duties of a deputy minister of a department. *2012, c.15, s.7.*

REFUSAL OR REVOCATION OF LICENSES AND PERMITS

4.1 Definitions

- (1) In this section
- (a) “**applicant**” means an individual or corporation that has applied under an enactment to a Minister or a public officer, as the case may be, for the issuance, grant or renewal of a license or permit;
 - (a.1) “**applicant’s guarantee**” means a guarantee for the payment of any debt or obligation that an applicant, under a contract or agreement,
 - (i) has provided, before, on or after the day this section comes into force, to the Government or to a Crown corporation for the benefit of a third party, and
 - (ii) is legally obliged to fulfill;
 - (a.2) “**contract**” or “**agreement**” includes a guarantee;
 - (b) “**corporation**” includes a partnership, cooperative association or body corporate, whether formed or incorporated under the law of this province or any other province or of Canada or outside of Canada;
 - (c) “**guarantee**” includes an indemnity or surety;
 - (d) “**license or permit**” means a license or permit that
 - (i) is authorized to be issued, granted or renewed under an enactment, and
 - (ii) is of a class or type prescribed by the regulations;

- (e) **“financial assistance”** means any loan, any payment of a debt or obligation under a guarantee, and any other financial assistance, including any loan, payment or financial assistance of a class or type prescribed by the regulations, that
 - (i) the Government or a Crown corporation has provided, before, on or after the date this section comes into force, to an applicant, or to a third party for the benefit of the applicant, under a contract or agreement, and
 - (ii) the applicant is legally obliged to repay to the Government or to a Crown corporation;
- (f) **“Minister”** means, in respect of a license or permit, the Minister charged by a provision of the law with the administration of the enactment under which the license or permit is issued.

Default

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

Default

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

More than one corporation deemed one

- (4) For the purposes of this section, a corporation and another corporation shall be deemed to be one corporation if
 - (a) the corporation and the other corporation are directly or indirectly controlled by the same person, group or organization; or
 - (b) the shares or assets of the corporation are held by the other corporation.

Direction to refuse to issue or renew license or permit

- (5) Notwithstanding any provision of any other enactment, the Board may, in its absolute discretion and in accordance with this section, direct a Minister or public officer, as the case may be, to refuse to issue, grant or renew a license or permit to an applicant who is, in the opinion of the Board, in default of any debt or obligation in relation to
 - (a) any financial assistance that has been provided to the applicant or to a third party for the benefit of the applicant; or
 - (b) any applicant's guarantee that has been provided by the applicant.

Written notice

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

Effect of notice or direction

- (7) Notwithstanding any provision of any other enactment, a Minister or public officer shall not issue, grant or renew a license or permit
 - (a) for a period of 20 days following the receipt of a notice referred to in subsection (6), unless a direction referred to in subsection (11) is received before the expiry of that period; or
 - (b) on receipt of a direction referred to in subsection (5), unless a further direction referred to in subsection (10) is subsequently received.

Arrangement for repayment of loan or payment of debt

- (8) An applicant may, within 15 days of the date of the notice given under subsection (6), make arrangements satisfactory to the Board for
- (a) the repayment of the financial assistance; or
 - (b) the payment of the debt or obligation in respect of which the applicant's guarantee was given,
- as the case may be.

Arrangements unsatisfactory to Board

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

Refusal to issue license or permit

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

Direction to disregard prior direction

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

Direction to disregard notice

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

Notice deemed given on mailing date

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

Decision final

- (13) A decision or direction of the Board, and a refusal of a Minister or public officer to grant or renew a license or permit, that is made or given pursuant to this section is final and conclusive for all purposes and shall not be questioned or reviewed in any court by way of an application for judicial review or otherwise. 2002,c.11,s.1; 2003,c.37,s.1; 2012,c.15,s.4; 2016,c.8,s.1(2)(a),(b).

4.2 Definitions

- (1) In this section
- (a) “**contract**” or “**agreement**” includes a guarantee;
 - (b) “**corporation**” means a corporation as defined in clause 4.1(1)(b);

- (c) **“financial assistance”** means any loan, any payment of a debt or obligation under a guarantee, and any other financial assistance, including any loan, payment or financial assistance of a class or type prescribed by the regulations, that
 - (i) the Government or a Crown corporation has provided, before, on or after the date this section comes into force, to a licensee or permit holder, or to a third party for the benefit of a licensee or permit holder, under a contract or agreement, and
 - (ii) the licensee or permit holder is legally obliged to repay to the Government or to a Crown corporation;
- (d) **“guarantee”** includes an indemnity or surety;
- (e) **“license”** or **“permit”** means a license or permit that
 - (i) has been issued, granted or renewed under an enactment, and
 - (ii) is of a class or type prescribed by the regulations;
- (f) **“licensee”** means a person who holds a license;
- (g) **“licensee’s or permit holder’s guarantee”** means a guarantee for the payment of any debt or obligation that a licensee or permit holder, under a contract or agreement,
 - (i) has provided, before, on or after the date this section comes into force, to the Government or to a Crown corporation for the benefit of a third party, and
 - (ii) is legally obliged to fulfill;
- (g.1) **“Minister”** means, in respect of a license or permit, the Minister charged by a provision of the law with the administration of the enactment under which the license or permit is issued;
- (h) **“permit holder”** means a person who holds a permit.

More than one corporation deemed one

- (2) For the purposes of this section, a corporation and another corporation shall be deemed to be one corporation if
 - (a) the corporation and the other corporation are directly or indirectly controlled by the same person, group or organization; or
 - (b) the shares or assets of the corporation are held by the other corporation.

Direction to refuse to issue or renew license or permit

- (3) Notwithstanding any provision of any other enactment, the Board may, in its absolute discretion and in accordance with this section, direct a Minister or public officer, as the case may be, to revoke the license or permit of a licensee or permit holder who is, in the opinion of the Board, in default of any debt or obligation in relation to
 - (a) any financial assistance that has been provided to the licensee or permit holder, or to a third party for the benefit of the licensee or permit holder; or
 - (b) any licensee’s or permit holder’s guarantee that has been provided by the licensee or permit holder.

Written notice

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

Arrangement for repayment of financial assistance or payment of debt

- (5) A licensee or permit holder may, within 15 days of the date notice was given under subsection (4), make arrangements satisfactory to the Board for
- (a) the repayment of the financial assistance; or
 - (b) the payment of the debt or obligation under a licensee's or permit holder's guarantee, as the case may be.

Arrangements unsatisfactory to Board

- (6) Where, within the time period referred to in subsection (5), the licensee or permit holder does not make arrangements satisfactory to the Board for the repayment or payment referred to in that subsection, the Board may make a direction under subsection (3).

Revocation of license or permit

- (7) Where a Minister or public officer receives a direction made under subsection (3) to revoke a license or permit, the Minister or public officer shall revoke the license or permit.

Direction to disregard notice

- (8) Where, before the expiry of the time period referred to in subsection (5), the licensee or permit holder makes arrangements satisfactory to the Board for
- (a) the repayment of the financial assistance, or
 - (b) the payment of a debt or obligation under the licensee's or permit holder's guarantee, as the case may be, the Board shall direct the Minister or public officer to disregard the notice provided under subsection (4).

Notice deemed given 4 days after mailing date

- (9) Any notice required to be provided or given under this section shall be deemed to have been provided or given four days after the date on which the notice was mailed.

Decision final

- (10) A decision or direction of the Board, and a revocation by a Minister or public officer of a license or permit, that is made pursuant to this section is final and conclusive for all purposes. 2003, c.37, s.2; 2012, c.15, s.4; 2016, c.8, s.1(2)(c), (3).

PART II — SELF-INSURANCE AND RISK MANAGEMENT FUND

5. Definitions

In this Part

- (a) “**Board**” means the Treasury Board;
- (b) “**Fund**” means the Prince Edward Island Self-Insurance and Risk Management Fund established under section 6;
- (c) “**insurable entity**” means
 - (i) a department,
 - (ii) a reporting entity,
 - (iii) a body, other than one referred to in clause (i) or (ii) that is prescribed by the regulations, or
 - (iv) a person who is of a class or type prescribed by the regulations;

- (d) “**insured**” means an insurable entity who is covered by a policy;
- (e) “**policy**” means an insurance policy issued by the Board under section 9. *1988, c.23, s.1; 1993, c.29, s.3; 1996, c.15, s.4; 2003, c.37, s.3.*

6. Fund established

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

Administration

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

Accounting

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

7. Advisory committee

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

Idem

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

8. Delegation

The Board may delegate to the Secretary authority to conduct any of the business of the Fund. *1988, c.23, s.1; 2012, c.15, s.8.*

9. Powers

The Board may

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

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

10. Receipts

The Board shall receive into the Fund

- (a) amounts paid by or in respect of an insured for or under a policy;
- (b) income earned on monies on deposit to the credit of the Fund or invested by it;
- (c) money required to be paid into the Fund pursuant to the regulations; and
- (d) any monies, including court costs, recovered pursuant to the enforcement of the rights, under a policy, of the Government. *1988,c.23,s.1; 2003,c.37,s.5; 2016,c.8,s.1(2)(d).*

11. Expenditures

The Board shall pay out of the Fund

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

12. Confidentiality of information

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

13. Application of *Insurance Act*

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

PART III ADMINISTRATION

14. Responsibilities of Minister

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

Financial agreements

- (2) The Minister may enter into and execute agreements or engage in activities of a financial nature respecting the investment of public money or the management of the public debt, including agreements for management of risks relating to currency, interest rates and other matters, swap agreements, futures agreements, option agreements, rate agreements, and any master agreement in respect of such agreements. *1980,c.21,s.5; 1983,c.1,s.6; 1986,c.5,s.2; 1993,c.29,s.3; 1997,c.17,s.1; 1998,c.3,s.2; 2010,c.14,s.3; 2012,c.15,s.2,10.*

14.01 Seal

The Lieutenant Governor in Council may authorize the seal of the Department of Finance and may prescribe its use on documents. *2008,c.14,s.6; 2010,c.14,s.3; 2012,c.15,s.5; 2015,c.28,s.3.*

14.02 Deputy Minister

Repealed by *2012,c.15,s.11. 2008,c.14,s.6; 2010,c.14,s.3; 2012,c.15,s.11.*

14.03 Comptroller

There shall be an officer in the Department of Finance called the Comptroller who shall be appointed pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8. *2008,c.14,s.6; 2010,c.14,s.3; 2012,c.15,s.5; 2014,c.30,s.2; 2015,c.28,s.3.*

14.04 Duties of Comptroller

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

Access to books of account

- (2) The Comptroller, or any person in the Department acting on the direction of the Comptroller, has access to the books of account and other records relating to the accounts of departments and reporting entities. *2008,c.14,s.6; 2010,c.14,s.3; 2012,c.15,s.2,12.*

14.1 to 14.8 Definitions

Repealed by *2009,c.6,s.1. 1999,c.25,s.1; 2000,c.4,s.1; 2009,c.6,s.1.*

15. Seal

Repealed by *2008,c.14,s.7. 1980,c.21,s.6; 1983,c.1,s.6; 1986,c.5,s.2; 2008,c.14,s.7.*

16. Agreements with Canada

Repealed by *2008,c.14,s.7. 1980,c.21,s.7; 2008,c.14,s.7.*

17. Deputy Minister

Repealed by 2008, c.14, s.7. 1980, c.21, s.8; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.3; 2008, c.14, s.7.

18. Comptroller

Repealed by 2008, c.14, s.7. 1980, c.21, s.9; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.3; 2008, c.14, s.7.

19. Duties of Comptroller

Repealed by 2008, c.14, s.7. 1980, c.21, s.10; 1993, c.29, s.3; 1996, c.15, s.5; 2001, c.35, s.2; 2008, c.14, s.7.

PART IV — PUBLIC MONEY

Operating Fund

20. Operating Fund

Save as otherwise provided by an enactment, all public money shall be paid to the Minister and shall form one fund known as the Operating Fund. 1980, c.21, s.11; 1993, c.29, s.3; 2010, c.14, s.3; 2012, c.15, s.2.

21. Charges against Operating Fund

The Operating Fund shall be charged with

- (a) all costs, charges and expenses incidental to the collection, management and receipt of public money;
- (b) all loans and other debts contracted by the Lieutenant Governor in Council by the issue of debentures, or otherwise;
- (c) the interest on such loans and debts;
- (d) reserves applicable to the assets and liabilities of the Operating Fund;
- (e) all amounts required to be paid pursuant to agreements under subsection 14(2) and all costs, expenses and charges incurred in relation to the negotiation and administration of such agreements. 1980, c.21, s.12; 1996, c.15, s.6; 1997, c.17, s.2.

22. Accounts

Accounts for the deposit or disbursement of public money shall be established with such financial institutions as the Minister may designate. 1980, c.21, s.13; 1993, c.29, s.3; 1996, c.15, s.7; 2010, c.14, s.3; 2012, c.15, s.2.

23. Receipts and records

Every person employed in the collection or management or charged with the receipt of public money and every other person who collects or receives public money shall pay all public money to the credit of the Minister and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller may direct. 1980, c.21, s.14; 1993, c.29, s.3; 2010, c.14, s.3; 2012, c.15, s.2.



24. Overpayments

If any tax, duty, fee, fine, penalty or forfeiture is payable or has been paid to the Operating Fund and it appears to the Minister that the amount or any part thereof is not properly payable or is in excess of the amount properly payable to the province, the Minister may credit or repay the amount to the persons entitled thereto. *1980, c.21, s.15; 1993, c.29, s.3; 2010, c.14, s.3; 2012, c.15, s.3.*

25. Refunds

Where a refund is due to the Government of Canada, the refund may be accounted for as a diminution of the corresponding revenue account. *1980, c.21, s.16.*

26. Cancellation or discharge of debt due to Crown

- (1) The Lieutenant Governor in Council may authorize the cancellation, discharge and release, in whole or in part, or extend the time for payment of, any claim, obligation, tax, debt or money due to the Government or a Crown corporation.

Powers additional

- (2) The powers conferred by subsection (1) do not derogate from but are in addition to any other powers granted by any other Act. *1980, c.21, s.17; 2016, c.8, s.2.*

26.1 Write-off

- (1) The Lieutenant Governor in Council may authorize the write-off, in whole or in part, of any claim, obligation, tax, debt or money due to the Government or a Crown corporation.

Effect on existing rights

- (2) A write-off under subsection (1) does not affect the existing rights and obligations between the debtor and the Government or the Crown corporation, as the case may be. *1996, c.15, s.8; 2016, c.8, s.3(1), (2).*

26.2 Disclosure

- (1) Where a debt is cancelled, discharged or released pursuant to subsection 26(1), or written off pursuant to subsection 26.1(1), the Lieutenant Governor in Council shall, subject to subsection (3), disclose
 - (a) the name and address of the debtor; and
 - (b) the amount of the debt.

Application of *Freedom of Information and Protection of Privacy Act*

- (2) The disclosure requirements of subsection (1) apply in respect of a debt specified in subsection (1) notwithstanding anything to the contrary respecting disclosure in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01.

Exemptions

- (3) The following debts that are cancelled, discharged or released pursuant to subsection 26(1), or written off pursuant to subsection 26.1(1), are exempt from the disclosure requirements of subsection (1):
 - (a) all debts owed by persons under the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3;

- (b) all student loan debts owed by persons to the Student Financial Assistance Corporation under the *Student Financial Assistance Act* R.S.P.E.I. 1988, Cap. S-8.2;
- (c) all debts owed by persons under the *Long-term Care Subsidization Act* R.S.P.E.I. 1988, Cap. L-16.1;
- (d) all debts owed by a person to the Government or a Crown corporation under any enactment that total in the aggregate not more than \$25,000.

Required disclosure

- (4) For greater certainty, notwithstanding that a type or class of debts specified in subsection (3) is exempt from the disclosure requirements of subsection (1), the Lieutenant Governor in Council shall disclose the total amount of that type or class of debts that is cancelled, discharged or released pursuant to subsection 26(1) or written off pursuant to subsection 26.1(1). *2016,c.8,s.4.*

Investments, Loans and Advances

27. Authorized investments

- (1) The Minister may invest money of the Operating Fund, a sinking fund and any other funds for the investment of which no provision is made under any other Act in
 - (a) promissory notes, certificates of deposit, deposit receipts, or other documents evidencing indebtedness given or issued by a credit union incorporated or continued under the *Credit Unions Act* R.S.P.E.I. 1988, Cap. C-29.1, or a bank in consideration of money deposited with it for payment on a date specified and certified or guaranteed by it;
 - (b) promissory notes or debentures given or issued by a Crown Corporation;
 - (c) securities issued or guaranteed by the Government of Canada, the government of any province of Canada, the governments of the United States of America or the government of any member of the European Economic Community;
 - (d) guaranteed trust certificates or receipts of a trust company that is a member institution as defined in the *Canada Deposit Insurance Corporation Act* R.S.C. 1985, Chap. C-3;
 - (e) any debentures or securities of the City of Charlottetown or City of Summerside or of any city in Canada which is the capital of any province of Canada or has a population of 50,000 or over; and
 - (f) first mortgages guaranteed under the *National Housing Act* (Canada) R.S.C. 1985, Chap. N-11.

Sale of investments

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

Money on call

- (3) The Minister may place money of the Operating Fund or of a reporting entity on call loans to financial institutions subject to the provision of security of a description referred to in subsection (1). *1980,c.21,s.18; 1983,c.15,s.1; 1985,c.16,s.1; 1993,c.29,s.3; 1996,c.15,s.9; 2008,c.14,s.8; 2010,c.14,s.3; 2012,c.15,s.2; 2024,c.47,s.89.*

28. Loans and advances

- (1) The Board may direct the Minister to make loans or advances from the Operating Fund to
- (a) a municipality in Prince Edward Island;
 - (b) a reporting entity;
 - (c) repealed by *1996, c.15, s.10*;
 - (d) any educational institution in Prince Edward Island;
 - (e) any authority responsible for the funding of a sewerage, water or waste management system in Prince Edward Island;
 - (f) repealed by *1996, c.15, s.10*;
 - (g) any person upon the security of a first mortgage of real property in the province; and
 - (h) such other entities as the Board may determine.

Compliance with direction

- (2) The Minister shall comply with a direction under subsection (1).

Terms

- (3) The interest rate, term and repayment schedules on loans or advances made under subsection (1) shall be determined by the Minister in accordance with prevailing market conditions but in no case shall
- (a) the interest rate be less than that at which the Minister may borrow for the purpose of the Operating Fund; or
 - (b) the repayment period exceed thirty years. *1980, c.21, s.19; 1983, c.33, s.66; 1987, c.25, s.1; 1993, c.29, s.3; 1993, c.35, s.148; 1996, c.15, s.10; 2008, c.14, s.9; 2010, c.14, s.3; 2012, c.15, s.2, 3.*

29. Information

The Minister may require borrowers to provide information respecting the repayment of moneys loaned or advanced, or the purposes for which those moneys have been used. *1980, c.21, s.20; 1993, c.29, s.3; 2010, c.14, s.3; 2012, c.15, s.2.*

30. Report to Legislative Assembly

- (1) The Minister shall, within fifteen sitting days after the beginning of each session of the Legislative Assembly, lay before the Legislative Assembly a report of all loans and advances made under section 28 and of any defaults on investments, loans and advances, and on payments made under subsection 32(2) which have occurred since the last report.

Estimate of loans in current year

- (2) The Minister shall, concurrently with the tabling of the estimates, lay before the Legislative Assembly an estimate of the loans and advances that the Minister anticipates will be made in the fiscal year under consideration. *1980, c.21, s.21; 1993, c.29, s.3; 2008, c.14, s.10; 2010, c.14, s.3; 2012, c.15, s.2; 2023, c.19, s.2.*

31. Purchase of shares

The Lieutenant Governor in Council may authorize the Minister to purchase shares in any corporation incorporated under the laws of Canada or any province. *1980, c.21, s.22; 1993, c.29, s.3; 2010, c.14, s.3; 2012, c.15, s.2.*

GUARANTEES

32. Guarantees

- (1) The Lieutenant Governor in Council may upon the recommendation of the Board guarantee the payment of a debt or obligation.

Default of primary debtor

- (2) Where under this or any other Act a guarantee has been given by the province for the payment of any debt or obligation and default in payment on the due date is made by the primary debtor, the Minister may pay the amount that has been guaranteed out of the Operating Fund.

Provision for loss

- (3) When the Minister considers that a loss is likely on a guarantee, the Minister may establish a provision for loss and shall review the provision at the end of each fiscal year, or more frequently, if the Minister considers it necessary. *1980,c.21,s.23.; 1996,c.15,s.11; 2010,c.14,s.3; 2012,c.15,s.2; 2023,c.19,s.3.*

DISBURSEMENT OF PUBLIC MONEY

Estimates

33. Payments

Subject to section 37, no payment is to be made out of the Operating Fund without the authority of the Legislative Assembly. *1980,c.21,s.24.*

34. Departmental requests for appropriations

- (1) The Minister responsible for the administration of each department and reporting entity for which an appropriation is required shall prepare and submit to the Board for review and approval requests for appropriations to operate that department or reporting entity for the ensuing fiscal year and shall supply such information as the Board may require.

Preparation of estimates

- (2) On receipt of requests under subsection (1), the Board shall prepare estimates to be submitted by the Minister to the Legislative Assembly in such form as is considered by the Board to adequately describe the appropriations proposed in the *Appropriation Act*. *1980,c.21,s.25; 1993,c.29,s.3; 1996,c.15,s.12; 2010,c.14,s.3; 2012,c.15,s.2.*

35. Expenditure

Subject to section 37, no expenditure may be incurred in any fiscal year unless provided for in an appropriation vote. *1980,c.21,s.26; 2008,c.14,s.11.*

36. Unexpended balances

- (1) Subject to subsection (2), the balance of an appropriation voted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse.

Payments for debts incurred in fiscal year

- (2) Where money is paid following the end of the fiscal year for a debt incurred during that fiscal year, that money may be charged to the appropriation for that fiscal year. *1980, c.21, s.27; 2008, c.14, s.12.*

Special Warrants**37. Special Warrants**

- (1) Where
- (a) the Legislative Assembly is not in session; and
 - (b) a payment is required for the public good and there is no other appropriation pursuant to which payment may be made,
- the Lieutenant Governor in Council may order a special warrant prepared, to be signed by the Lieutenant Governor in Council, authorizing payment out of the Operating Fund of the amount specified in the special warrant.

Deemed an appropriation

- (2) A special warrant made under this section is deemed to be an appropriation for the fiscal year for which the warrant is made.

Supplementary Appropriation Act

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

Adjournment

- (4) For the purposes of clauses (1)(a) and subsection 37.1(1), the Legislative Assembly shall be deemed to be not in session when it has been adjourned indefinitely or for a period in excess of thirty days. *1980, c.21, s.28; 1996, c.15, s.13; 2008, c.14, s.13.*

TRANSFER OF APPROPRIATED AMOUNTS**37.1 Transfers on amalgamation, etc. of departments**

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

Report to Legislative Assembly

- (2) The Minister shall report all transfers of monies pursuant to subsection (1) to the Legislative Assembly as soon as practicable. *1996, c.15, s.14; 2002, c.26, s.1,2; 2008, c.14, s.14,15; 2010, c.14, s.3; 2012, c.15, s.2.*

37.2 Appropriations funding collective agreements

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

Report to Legislative Assembly

- (2) The Minister shall report all transfers of monies pursuant to subsection (1) to the Legislative Assembly as soon as practicable. *2002,c.26,s.3; 2008,c.14,s.16; 2010,c.14,s.3; 2012,c.15,s.2.*

Payments

38. Contracts

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

Contracts extending over two fiscal years

- (2) Where a contract requires a financial commitment that extends beyond the end of a fiscal year the responsible Minister shall make provision for that commitment in estimates of expenditure for the subsequent fiscal year. *1980,c.21,s.29; 1994,c.50,s.1; 1996,c.15,s.15.*

39. Requisition

- (1) No charge shall be made against an appropriation vote except upon the requisition of the Minister responsible for the department or reporting entity for which the appropriation was made, or of a person authorized by that Minister in writing.

Form

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

Rejection of requisition by Comptroller

- (3) The Comptroller shall reject a requisition for a payment that
- (a) in the Comptroller's opinion, would not be a lawful charge against the appropriation;
 - (b) would result in an expenditure in excess of the balance in the appropriation account;
or
 - (c) in the Comptroller's opinion, is not in keeping with prudent standards of economy in government expenditures unless the requisition is authorized by a minute of the Board. *1980,c.21,s.30; 2008,c.14,s.17; 2023,c.19,s.4.*

40. Authorization of payment

The Comptroller shall not authorize payment for work performed, goods supplied or services rendered for or to the province unless the Minister responsible for the department or reporting entity or a person authorized by that Minister certifies

- (a) that the work has been performed or goods supplied or services rendered; and

- (b) that the price charged or payment requested is in accordance with the contract or, if not specified by contract, is a reasonable amount. *1980, c.21, s.31; 2008, c.14, s.18; 2023, c.19, s.5.*

41. Refusal of payment

Where the Comptroller

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

the Minister responsible for the department or reporting entity concerned may report the circumstances to the Board and the Board may overrule, alter or confirm the decision of the Comptroller. *1980, c.21, s.32; 2008, c.14, s.18.*

42. Signatories for cheques

- (1) All disbursements of public money shall be made
(a) by cheques signed by the Minister or the Deputy Minister and countersigned by the Comptroller or such other person as may be designated by the Minister; or
(b) by such electronic or other means as may be accepted by financial institutions.

Facsimile signatures

- (2) For the purposes of subsection (1) a cheque shall be deemed to be duly signed if it bears a mechanically reproduced facsimile signature of an authorized signatory. *1980, c.21, s.33; 1983, c.1, s.6; 1986, c.5, s.2; 1988, c.22, s.1; 1993, c.29, s.3; 1994, c.50, s.1; 1996, c.15, s.16; 2010, c.14, s.3; 2012, c.15, s.3.*

43. Credit of refunds to current fiscal year

- (1) Repealed by *2008, c.14, s.19.*

Refunds received in subsequent years

- (2) Repealed by *2008, c.14, s.19. 1980, c.21, s.34; 2008, c.14, s.19.*

44. Regulations *re* contracts

Repealed by *1996, c.15, s.17.*

45. Holdback under contracts

Repealed by *2008, c.14, s.20. 1980, c.21, s.36; 2008, c.14, s.20.*

PART V — PUBLIC DEBT

Temporary Borrowing

46. Temporary loans

The Lieutenant Governor in Council may authorize the Minister to borrow, for terms not exceeding twelve months, such amounts as the Minister considers necessary for the operation of the Operating Fund. *1980, c.21, s.37; 1993, c.29, s.3; 2008, c.14, s.21; 2010, c.14, s.3; 2012, c.15, s.2.*

47. Report

The Minister shall lay before the Legislative Assembly within the first fifteen sitting days of each session a report of borrowing under section 46 that has been arranged since the previous report. *1980, c.21, s.38; 1981, c.36, s.9; 1993, c.29, s.3; 2008, c.14, s.22; 2010, c.14, s.3; 2012, c.15, s.2.*

Long-Term Borrowing

48. Legislative authority required

No money shall be borrowed or security issued for a term exceeding twelve months by or on behalf of the Government without the authority of an Act. *1980, c.21, s.39; 2008, c.14, s.23; 2016, c.8, s.1(1)(b).*

49. Minister may be authorized to borrow

- (1) Where, by this or any other Act, authority is given to the Lieutenant Governor in Council to raise sums of money, the Lieutenant Governor in Council by order, may authorize the Minister to raise such sums of money.

Maximum aggregate, conditions

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

Powers of Minister

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

Idem

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

Compliance with order, Act

- (5) Sums of money raised by the Minister under this section shall be raised
- (a) in accordance with the order under subsection (1); and
 - (b) with terms and conditions not in conflict with the order that the Minister considers advisable,

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

Statement for Lieutenant Governor in Council

- (6) Where the Minister raises sums of money under this section, the Minister shall as soon as practicable, but in no case later than thirty days after the money is received, provide the Lieutenant Governor in Council with a statement of the sums of money raised, the rate of interest or the yield to the investor and such other terms and conditions as the Minister considers advisable. *2001, c.36, s.1; 2010, c.14, s.3; 2012, c.15, s.2, 3.*

50. Borrowing to pay securities

The Minister may borrow such sums of money as are required for the payment of any securities that were issued under the authority of an Act and are maturing or have been called for redemption. *2001, c.36, s.1; 2010, c.14, s.3; 2012, c.15, s.2.*

51. Registrars, agents**(1) The Minister may**

- (a) appoint one or more registrars, transfer agents or interest-paying agents to perform such services in respect of the registration or transfer of securities or the payment of interest thereon as the Minister may direct;
- (b) appoint one or more fiscal agents to perform such services as the Minister may direct; and
- (c) fix the remuneration or compensation of any registrar, transfer agent, interest-paying agent or fiscal agent appointed under this section.

Accounting by registrars, agents

- (2) Every registrar, transfer agent, interest-paying agent and fiscal agent shall as often as required by the Minister give to the Minister an accounting, in such form and containing such information as the Minister directs, of all of the person's transactions as registrar or fiscal agent. *2001, c.36, s.1; 2010, c.14, s.3; 2012, c.15, s.3.*

52. Sinking fund

The Minister may provide for the creation and management of a sinking fund with respect to any issue of securities or with respect to all securities issued. *2001, c.36, s.1; 2010, c.14, s.3; 2012, c.15, s.2.*

53. Repayment is charge on Operating Fund

The repayment of all money borrowed by or on behalf of the Government and interest thereon is a charge on and payable out of the Operating Fund. *2001, c.36, s.1; 2016, c.8, s.1(1)(c).*

54. Execution of securities

Securities shall be executed in such manner as the Lieutenant Governor in Council provides or, where the Minister is authorized to raise sums of money under section 49, in such manner as the Minister considers advisable. *2001, c.36, s.1; 2010, c.14, s.3; 2012, c.15, s.3.*

55. Statement of authority

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

Advertisement

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

56. Execution of trust, liability

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

57. Loss of securities, coupons

In the event of the loss of any securities or interest coupons thereon by a holder thereof, the Minister may pay the amount thereof out of the Operating Fund and may take a bond in such amount and in such form as the Minister considers advisable indemnifying the province against loss in respect of such payment. *2001,c.36,s.1; 2010,c.14,s.3; 2012,c.15,s.3.*

58. Destruction

The Minister may authorize the destruction of any securities or interest coupons thereon that

- (a) have not been issued;
- (b) have been received in exchange for other securities; or
- (c) have been paid and cancelled. *2001,c.36,s.1; 2010,c.14,s.3; 2012,c.15,s.2.*

58.1 Cancellation

The Minister may cancel securities issued by the government prior to maturity. *2001,c.36,s.1; 2010,c.14,s.3; 2012,c.15,s.2.*

PART VI — PUBLIC ACCOUNTS

59. Consolidated financial statement

The Comptroller shall cause consolidated financial statements for the province to be prepared in accordance with the accounting policies as disclosed in the notes to the consolidated financial statements. *1980,c.21,s.50; 1996,c.15,s.119; 2008,c.14,s.24.*

60. Items to be shown in accounts

- (1) The Comptroller shall cause the accounts of the province to be kept in such manner as to show
 - (a) the expenses made under each appropriation;
 - (b) the revenues of the province;
 - (c) the other receipts and payments of the Operating Fund;
 - (d) the assets and direct and contingent liabilities of the province;
 - (e) the reserves with respect to the assets and liabilities,and may keep such other accounts as the Comptroller considers necessary.

Currency

- (2) The accounts of the province shall be shown in the currency of Canada. *1980,c.21,s.5; 1997,c.20,s.3; 2008,c.14,s.25; 2023,c.19,s.6.*

61. Public Accounts, preparation

- (1) The Comptroller shall prepare a report called the Public Accounts for each fiscal year.

Filing Public Accounts with Clerk of Legislative Assembly before fixed-date general election

- (1.1) Where a fixed-date general election is to be held in the month of October next following the end of a fiscal year, the Minister shall file the Public Accounts prepared by the Comptroller for that fiscal year with the Clerk of the Legislative Assembly on or before August 31 next following the end of that fiscal year.

Submission of Public Accounts to Legislative Assembly where no fixed-date election

- (1.2) Where a fixed-date general election is not to be held in the month of October next following the end of a fiscal year, the Minister shall lay the Public Accounts prepared by the Comptroller for that fiscal year before the Legislative Assembly
- (a) on or before October 31 next following the end of that fiscal year; or
 - (b) if the Legislative Assembly is not in session on that date, within fifteen sitting days following the commencement of the next ensuing session.

Submission of Public Accounts for 2019-2020 fiscal year

- (1.21) Following the end of the 2019-2020 fiscal year, the Minister shall lay the Public Accounts prepared by the Comptroller for that fiscal year before the Legislative Assembly
- (a) on or before January 31, 2021; or
 - (b) if the Legislative Assembly is not in session on that date, within fifteen sitting days following the commencement of the next ensuing session.

Public Accounts to be available for inspection before fixed-date general election

- (1.3) The Clerk of the Legislative Assembly shall make any Public Accounts filed with the Clerk pursuant to subsection (1.1) available for inspection by any person, without charge, during normal business hours.

“Fixed-date general election”, defined

- (1.4) In this section, “fixed-date general election” means a general election held pursuant to subsection 4.1(2) of the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1.

Contents of Public Accounts

- (2) The Public Accounts shall include
- (a) the consolidated financial statements of the province which consist of a consolidation of the Operating Fund and the accounts of the province’s reporting entities, including
 - (i) a statement of financial position as at the end of the fiscal year,
 - (ii) a statement of the revenue and expense for the fiscal year,
 - (iii) a statement of cash flows for the fiscal year,
 - (iv) a statement of change in net debt for the fiscal year,
 - (v) audited financial statements in respect of each of the reporting entities, except as noted in the consolidated financial statements,
 - (vi) a disclosure of the accounting principles followed in their preparation, and
 - (vii) any other statements required by any Act to be shown in the Public Accounts; and

- (b) the financial statements for the Operating Fund which include
 - (i) a statement of financial position as at the end of the fiscal year,
 - (ii) a statement of revenue and expense for the fiscal year,
 - (iii) a statement of cash flows for the fiscal year,
 - (iv) a statement of change in net debt for the fiscal year,
 - (v) a disclosure of the accounting principles followed in their preparation, and
 - (vi) any other statements required by any Act to be shown in the Public Accounts. *1980,c.21,s.52; 1993,c.29,s.3; 1996,c.15,s.20; 2008,c.14,s.26; 2008,c.44,s.1; 2010,c.14,s.3; 2012,c.15,s.2; 2017,c.65,s.1; 2020,c.63,s.1.*

62. Adjustments

Following the end of a fiscal year the Comptroller may make such adjustments to the accounts for that year as are in the Comptroller's opinion material to reflect fairly the financial position of the province. *1980,c.21,s.53; 2023,c.19,s.7.*

63. Filing financial statements and public inspection

Upon receipt of the audited consolidated financial statements for the fiscal year then ended, the Minister shall file the statements with the Clerk of the Legislative Assembly, who shall make them available for inspection by any person, without charge, during normal business hours. *1997,c.17,s.4; 2009,c.6,s.2; 2010,c.14,s.3; 2012,c.15,s.2.*

PART VII — REPORTING ENTITIES

64. Variation of Schedules

The Lieutenant Governor in Council may by order add to or delete from Schedule B, C or D the name of a reporting entity. *1996,c.15,s.22.*

65. Appointment of auditor

- (1) Where, in respect of a reporting entity, no provision is made for appointment of an auditor to audit the accounts and financial transactions of the reporting entity, the Lieutenant Governor in Council shall designate a person to audit the accounts and financial transactions of the reporting entity.

Auditor General eligible

- (2) Notwithstanding any other Act, the Auditor General is eligible to audit the accounts and records of a reporting entity.

Functions

- (3) Where the Auditor General is not the auditor of a reporting entity, the person appointed as auditor shall supply to the Auditor General annually a copy of all financial statements and reports prepared by the auditor in relation to the reporting entity and the auditor shall
 - (a) make available to the Auditor General, on request and upon reasonable notice, all working papers, reports, schedules and other records relating to that audit; and
 - (b) perform such additional examination as the Auditor General may direct and report the auditor's findings thereon to the Auditor General.

Examination by Auditor General

- (4) Notwithstanding the appointment of an auditor other than the Auditor General, the Auditor General may conduct such examinations or investigation of the records and operations of the reporting entity as the Auditor General considers necessary. *1996, c.15, s.22; 2023, c.19, s.8.*

66. Financial year

The financial year of a reporting entity is the fiscal year, unless the Lieutenant Governor in Council otherwise directs. *1996, c.15, s.22.*

67. Budgets

- (1) Each reporting entity shall annually submit to the appropriate Minister and the Board, a budget for the next following financial year of the corporation, including a statement of anticipated revenue and expenditures and a schedule of loans anticipated to be made and such other information as the Board may determine.

Interim reports

- (2) Each reporting entity shall annually submit to the appropriate Minister and the Board, interim reports on its financial affairs at such times during the fiscal year as the Board may determine.

Form

- (3) The Board may determine the form in which budgets, interim reports and other information required by this section shall be prepared.

Delegation

- (4) The Board may delegate its authority under this section to the Minister.

Exemption

- (5) The Board may exempt a reporting entity from the requirement to submit budgetary information when an appropriation is not required.

Application to regional health authority

- (6) Repealed by *1997, c.22, s.30. 2008, c.14, s.27; 2010, c.14, s.3; 2012, c.15, s.2.*

68. Contracts

The Lieutenant Governor in Council may give directions with respect to the conditions upon which a Crown corporation may undertake contractual commitments. *1996, c.15, s.22.*

69. Reserves

Repealed by *2008, c.14, s.28. 1996, c.15, s.22. 2008, c.14, s.28.*

70. Books

- (1) A reporting entity shall keep proper books of account and proper records in relation thereto in accordance with generally accepted accounting principles.

Statements of accounts

- (2) Subject to such directions as to form as the Board may give, a reporting entity shall prepare in respect of each financial year, statements of accounts which shall include a balance sheet, a statement of income and expense and a statement of cash flows, and such other information in respect of the financial affairs of the reporting entity as the appropriate Minister, the Board or the Comptroller may require.

Audited statements

- (3) Each reporting entity shall, as soon as possible, but within three months of the termination of each financial year or at some earlier date as may be determined by the Board, submit
- (a) an audited statement of accounts as specified in subsection (2) to the appropriate Minister; and
 - (b) a statement explaining any deviation from the budget submitted by the reporting entity under subsection 67(1) for the immediately preceding financial year of the reporting entity.

Distribution of statement

- (4) The Minister shall provide a copy of any statement that a reporting entity submits to the Minister under clause (3)(a) or (b) to the Board, the Comptroller and the Auditor General immediately upon receipt of the statement.

Annual report

- (5) Each reporting entity shall submit an annual report to the appropriate Minister in the form required by the Minister which shall include an audited statement of accounts specified in subsection (2), a statement of goals and results achieved during the reporting period and such other information as the Board may require, and the Minister shall
- (a) lay the report before the Legislative Assembly within fifteen sitting days after the Minister receives it, or if the Legislative Assembly is not then in session, within fifteen sitting days after the commencement of the next ensuing session; and
 - (b) make the report available to the general public as soon as possible, but within six months of the end of the financial year whether or not the document has been laid before the Legislative Assembly.

Other reports

- (6) A reporting entity shall make to the appropriate Minister or to the Board such other reports of its financial affairs as they require. *1996, c.15, s.22; 2008, c.14, s.29; 2008, c.43, s.1; 2015, c.36, s.27; 2023, c.19, s.9.*

71. Auditor General's report

- (1) The Auditor General shall report annually to the appropriate Minister and the Board the result of the Auditor General's examination of the accounts and financial statements of the reporting entities, and the Auditor General shall state in the report whether, in the Auditor General's opinion, there is any matter falling within the scope of the Auditor General's examination that should be brought to the attention of the Minister.

Other reports

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

Annual report of Auditor General

- (3) The annual report of the Auditor General shall be included in the annual report of the reporting entity. *1996, c. 15, s. 22; 2008, c. 14, s. 30; 2023, c. 19, s. 10.*

72. Repealed by 2008, c. 43, s. 2. 1996, c. 15, s. 22; 2008, c. 43, s. 2.

73 and 74 repealed by 1996, c. 15, s. 22.

PART VIII**CIVIL LIABILITY****75. Notice to persons failing to pay over public money**

- (1) Where any person has received public money and has not paid it over, accounted for it or applied it as required, the Minister may notify that person
- (a) to pay over, account for or apply such money as the case may be; and
 - (b) to transmit to the Minister proper vouchers that the person has done so.

Proceedings for recovery

- (2) Where a person fails to comply with a notice under subsection (1) the Minister may institute proceedings for recovery of the money mentioned in subsection (1) together with interest thereon at such rate as may be determined by the Minister from the date of failure to pay over, account for or apply such money.

Proof of account

- (3) In any proceedings under subsection (2) the Minister may state an account between the person and the province, which is *prima facie* evidence that the amount stated therein is due from the person to the province without proof of the signature or official character of the Minister. *1980, c. 21, s. 66; 1993, c. 29, s. 3; 2010, c. 14, s. 3; 2012, c. 15, s. 3; 2023, c. 19, s. 11.*

76. Suspension for bribery and fraudulent practices

Where any person employed in the public service to collect, manage or disburse public money

- (a) receives any compensation or reward for the performance of any official duty, except as by law prescribed;
- (b) conspires or colludes with or assists any person to defraud the province;
- (c) knowingly permits any violation of the law relating to the collection, management or disbursement of public money;
- (d) wilfully makes or signs any false entry in any book or wilfully makes or signs any false certificate or return in any case in which it is the person's duty to make an entry, certificate or return;
- (e) having knowledge of the violation of any law relating to the collection, management or disbursement of public money or of fraud committed against the province under any such law, fails to report such knowledge to a superior officer; or

- (f) demands, accepts or attempts to collect any sum of money, or other thing of value for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law,

the Minister may suspend that person from the person's employment. *1980,c.21,s.67; 1993,c.29,s.3; 2010,c.14,s.3; 2012,c.15,s.2; 2023,c.19,s.12.*

77. Property

All property kept, received by or possessed by a person in connection with the person's employment is the property of the province. *1980,c.21,s.68; 2023,c.19,s.13.*

78. Debts due to Crown

- (1) Where in the opinion of the Minister any person is indebted to the Government in any specific sum of money, the Minister may retain by way of deduction or set-off the amount of any such indebtedness out of any sums of money that may be due or payable to that person by the Government or a Crown corporation.

Recovery

- (2) Notwithstanding subsection (1), the Minister may recover any overpayment out of the Operating Fund or the accounts of a Crown corporation on account of salary, wages, pay, or pay and allowances out of any sum of money that may be due and payable to the person to whom the overpayment was made by the Government or a Crown corporation. *1996,c.15,s.23; 2010,c.14,s.3; 2012,c.15,s.2,3; 2016,c.8,s.1(2)(e),5.*

78.1 Recovery of fines by civil proceedings

Where a fine, penalty, including an order for restitution, or forfeiture is imposed by a court upon a conviction of a person for an offence under an enactment or a *Federal Act*, and remains unpaid or unsatisfied, any person authorized by the Minister of Justice and Public Safety and Attorney General may, by filing the conviction, enter as a judgment the amount thereof and costs, if any, in the Supreme Court, and that judgment is enforceable against the person convicted as if it were a judgment rendered against that person in civil proceedings. *1992,c.26,s.1; 1993,c.29,s.3; 1997,c.20,s.2; 2000,c.5,s.2; 2010,c.14,s.3; 2012,c.15,s.13; 2015,c.28,s.3.*

PART IX — MISCELLANEOUS

79. Regulations

The Lieutenant Governor in Council may make regulations

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

79.1 Agreement with Canada

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

- (a) borrow money by way of security or otherwise;
 - (b) guarantee payment of any obligation; or
 - (c) transfer any money,
- pursuant to any financial assistance program of the Government of Canada or its agencies.
2008, c.14, s.31.

80. Act to prevail

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

SCHEDULE A

Department of Agriculture
Department of Economic Development, Innovation and Trade
Department of Education and Early Years
Department of Environment, Energy and Climate Action
Department of Finance
Department of Fisheries, Tourism, Sport and Culture
Department of Health and Wellness
Department of Housing, Land and Communities
Department of Justice and Public Safety
Department of Social Development and Seniors
Department of Transportation and Infrastructure
Department of Workforce, Advanced Learning and Population
Executive Council
Legislative Assembly
Office of the Auditor General
Public Service Commission

2004,c.36,s.2; 2005,c.40,s.10; 2008,c.14,s.32; 2010,c.31,s.2; 2010,c.14,s.2; 2012,c.15,s.14; 2015,c.28,s.2; 2019,c.1,s.2;
2021,c.8,s.2; 2023,c.19,s.14.

SCHEDULE B

Charlottetown Area Development Corporation
Finance PEI
Health PEI
Innovation PEI
Island Investment Development Inc.
Island Waste Management Corporation
Prince Edward Island Advisory Council on the Status of Women
Prince Edward Island Agricultural Insurance Corporation
Prince Edward Island Cannabis Management Corporation
Prince Edward Island Crown Building Corporation
Prince Edward Island Employment Development Agency
Prince Edward Island Energy Corporation
Prince Edward Island Grain Elevators Corporation
Prince Edward Island Housing Corporation
Prince Edward Island Liquor Control Commission
Prince Edward Island Lotteries Commission
Prince Edward Island Marine Science Organization
Prince Edward Island Museum and Heritage Foundation
Prince Edward Island Self-Insurance and Risk Management Fund
Prince Edward Island Student Financial Assistance Corporation
Summerside Regional Development Corporation Ltd.
Tourism PEI
Workers Compensation Board of Prince Edward Island

2008,c.14,s.33; (EC560/09); 2009,c.6,s.3; 2009,c.7,s.37; 2010,c.27,s.40; 2012,c.15,s.15; 2012,c.14,s.15; 2018,c.20,Sch. 2-
s.31; 2023,c.19,s.14.

SCHEDULE C

Public Schools Branch

La Commission Scolaire de langue française

2005,c.39,s.10; 2008,c.14,s.34; 2009,c.75,s.1; 2012(2nd),c.23,s.44; 2016,c.6,s.118.

SCHEDULE D

Island Regulatory and Appeals Commission

Prince Edward Island Human Rights Commission

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

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