

2004

CHAPTER 10

An Act to amend *The Financial Administration Act, 1993* and to make consequential amendments to other Acts

(Assented to June 10, 2004)

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

Short title

1 This Act may be cited as *The Financial Administration Amendment Act, 2004*.

S.S. 1993, c.F-13.4 amended

2 *The Financial Administration Act, 1993* is amended in the manner set forth in this Act.

Section 3 amended

3 **Subsection 3(3) is repealed and the following substituted:**

“(3) The minister is the chairperson of the board and the deputy minister is the secretary of the board”.

Section 7 amended

4 **Subsection 7(3) is repealed and the following substituted:**

“(3) The minister is the chairperson of the Investment Board and the deputy minister is the secretary of the Investment Board”.

New section 13.1

5 **The following section is added after section 13:**

“Net budgeting in certain circumstances

13.1(1) If a department engages in an activity that involves generating revenue from the provision or use of property, goods or services, the Lieutenant Governor in Council:

(a) subject to subsections (2) to (4), may authorize the minister to pay out of the general revenue fund, without further appropriation, amounts that are required by the department to engage in the activity, in addition to any amounts that may otherwise be appropriated for the activity; and

(b) subject to subsection (5), may authorize the department to charge fees or charges for the activity that the board may from time to time approve.

(2) The amounts that the minister may pay pursuant to clause (1)(a) for a department to engage in the activity for a fiscal year until sufficient revenues are generated to sustain the activity must not exceed any portion that may be fixed by the board of the estimated revenues to be generated from the activity for the fiscal year.

(3) The total of the amounts that the minister may pay pursuant to clause (1)(a) for a department to engage in the activity for a fiscal year are not to exceed the lesser of:

- (a) the total revenues generated from the activity for the fiscal year; or
- (b) any portion that may be fixed by the board of the total revenues generated from the activity for the fiscal year.

(4) The board may impose any additional limitations and restrictions on payments pursuant to clause (1)(a) that the board considers appropriate.

(5) Clause (1)(b) does not apply if another Act provides specific authority to set fees or charges for the activity.

(6) If for any fiscal year the total of the amounts that the minister pays pursuant to clause (1)(a) for a department to engage in an activity exceeds the limit provided pursuant to subsection (3), subsection 37(3) applies, with any necessary modification, to the excess amount”.

New section 14.1

6 The following section is added after section 14:

“Interim appropriation at start of fiscal year

14.1(1) In this section:

- (a) **‘interim period’** means any period for a fiscal year that:
 - (i) commences on April 1; and
 - (ii) ends on the date the Legislative Assembly enacts an *Appropriation Act* for that fiscal year;
- (b) **‘previous fiscal year’** means the fiscal year that precedes the current fiscal year.

(2) This section does not apply if the Legislative Assembly enacts an *Appropriation Act* for a fiscal year before the commencement of the fiscal year.

(3) During the interim period and subject to subsection (4) and to any restrictions that may be imposed by the minister, there may be paid out of the general revenue fund amounts towards defraying the charges and expenses of the public service for the current fiscal year, not otherwise provided for.

(4) The following conditions apply to any payments made pursuant to subsection (3):

- (a) subject to clause (b), amounts mentioned in subsection (3):
 - (i) must be paid only in accordance with the purposes set out in the schedule of sums granted for the previous fiscal year forming part of the *Appropriation Act* for the previous fiscal year that is not an Act for interim supply; and
 - (ii) must not exceed one-twelfth of each of those sums;

(b) the minister may reallocate an amount available in accordance with clause (a), in whole or in part, to take into account any reorganization of the executive government and its departments or ministerial responsibilities that has occurred since the enactment of the *Appropriation Act* mentioned in clause (a);

(c) once the estimates for the current fiscal year have been presented to the Legislative Assembly, no amount must be paid for any purpose that is not provided for in those estimates;

(d) no amounts must be paid or committed for a program unless:

(i) the program was established in the previous fiscal year; and

(ii) there was an appropriation available in the previous fiscal year for the program.

(5) Each amount paid pursuant to this section:

(a) is deemed to be included as part of, and not in addition to, the sums appropriated by the next *Appropriation Act* for the current fiscal year; and

(b) must be charged against an appropriate subvote contained in the estimates for the current fiscal year.

(6) This section does not affect the power of the Lieutenant Governor in Council pursuant to section 14 to authorize expenses by special warrant when the Legislature is not in session”.

New section 15

7 Section 15 is repealed and the following substituted:

“Financial statements of general revenue fund

15 The Provincial Comptroller shall prepare the financial statements of the general revenue fund for each fiscal year in accordance with the accounting policies established by the board”.

New sections 16 and 17

8 Sections 16 and 17 are repealed and the following substituted:

“Financial statements of the Government

16 The Provincial Comptroller shall prepare the summary financial statements of the Government of Saskatchewan for each fiscal year in accordance with the accounting policies established by the board.

“Provincial Auditor report

17 The Provincial Auditor shall audit and issue a report on:

(a) the general revenue fund financial statements; and

(b) the summary financial statements of the Government of Saskatchewan”.

Section 18 amended**9 Subsection 18(2) is repealed and the following substituted:**

- “(2) The public accounts must contain:
- (a) the financial statements of the general revenue fund prepared pursuant to section 15;
 - (b) the summary financial statements of the Government of Saskatchewan prepared pursuant to section 16;
 - (c) a summary of the financial position of trust funds managed by a member of the Executive Council; and
 - (d) any other information required by this Act, any other Act or the board”.

Section 19 amended**10 Subsection 19(1) is repealed and the following substituted:**

- “(1) The general revenue fund is continued”.

Section 24 amended**11 Clause 24(2)(b) is repealed and the following substituted:**

- “(b) the amount being remitted or exempted is not greater than \$5,000”.

New sections 28 and 29**12 Sections 28 and 29 are repealed and the following substituted:****“Directions and approvals of the Provincial Comptroller**

28(1) Every payment out of the general revenue fund is to be made under the direction and control of the Provincial Comptroller and in the manner that the Provincial Comptroller may direct or approve.

- (2) The Provincial Comptroller may:
- (a) issue any directions or approvals that the Provincial Comptroller considers appropriate respecting the manner or method, whether electronic or otherwise, in which a certification or confirmation of any requirement of section 30 or 31 must be met, including authorizing any measures implemented by a permanent head to certify or confirm that the requirements of section 30 or 31 are being met; and
 - (b) for the purposes of clause (a), issue different directions or approvals:
 - (i) for different types of payments;
 - (ii) for different departments or public agencies; or
 - (iii) for different areas within a department or public agency.

(3) Notwithstanding any other provision of this Act, a certification or confirmation that any requirement of section 30 or 31 is met in accordance with a direction or approval issued pursuant to subsection (2) is deemed to meet the requirements of that section and to have complied with that section.

“Requisitions for payment

29 No payment is to be made out of an appropriation without:

- (a) a requisition for the payment; and
- (b) if section 30 applies, compliance with that section”.

New sections 31 and 32**13 Sections 31 and 32 are repealed and the following substituted:****“Form and manner of requisitions for payment**

31(1) The permanent head, or delegate of the permanent head, of the department or public agency for which the appropriation was made shall make the requisition for a payment.

(2) A requisition for a payment must be made in any manner or by any method that the Provincial Comptroller directs or approves.

(3) Every person who makes a requisition for a payment shall certify the lawfulness, propriety and accuracy of the proposed payment and the allocation of the related charges.

(4) Subject to subsections 33.1(4) and 33.2(3), no requisition for a payment out of an appropriation shall be made that:

- (a) would not be a lawful and proper charge against the appropriation;
- (b) would result in an expense in excess of the appropriation; or
- (c) would reduce the balance available in the appropriation so that it would not be sufficient to meet the commitments chargeable against it.

“Provisions re rejection and confirmation of requisitions for payment

32(1) Every requisition for a payment out of an appropriation must be made available to the Provincial Comptroller.

(2) Subject to subsections 33.1(4) and 33.2(3), the Provincial Comptroller shall reject a requisition for a payment that would result in a payment in excess of an appropriation.

(3) The Provincial Comptroller shall establish those procedures that the Provincial Comptroller considers necessary to be satisfied that a payment is a lawful and proper charge against an appropriation.

(4) The Provincial Comptroller may apply the procedures mentioned in subsection (3) either before or after the payment has been made.

(5) The Provincial Comptroller may issue any directives that the Provincial Comptroller considers appropriate if the Provincial Comptroller determines that a payment is not a lawful or proper charge against an appropriation.

(6) The Provincial Comptroller may transmit to the board any requisition for a payment with respect to which the Provincial Comptroller desires the direction of the board, and the board may order that the payment be made or refused.

- (7) The minister of the department or public agency concerned may report to the board if the Provincial Comptroller has:
- (a) rejected a requisition for a payment;
 - (b) disallowed an item in an account; or
 - (c) determined that a payment is not a lawful or proper charge against an appropriation.
- (8) On receipt of a report pursuant to subsection (7), the board may:
- (a) confirm or overrule the Provincial Comptroller's action mentioned in subsection (7); and
 - (b) make any additional orders it considers necessary to carry out the board's decision".

Section 33 amended

14 Subsection 33(1) is amended by striking out "No" and substituting "Subject to subsections 33.1(4) and 33.2(3), no".

New sections 33.1 and 33.2

15 The following sections are added after section 33:

"Services provided by one department to another

33.1(1) In this section:

- (a) **'department'** includes the Legislative Assembly Office, the Office of the Legislative Counsel and Law Clerk, the Legislative Library and the office of any officer of the Legislature;
- (b) **'providing department'** means a department that provides a service to a receiving department;
- (c) **'receiving department'** means a department that receives a service from a providing department;
- (d) **'service'** includes the provision of accommodation or facilities.

(2) Notwithstanding any other Act but subject to any orders or directives that the board may make:

- (a) a department may provide to another department services required by the department to perform its functions or carry out its objects and purposes; and
- (b) the receiving department shall reimburse the providing department for the costs of services provided pursuant to clause (a) for the same fiscal year for which the costs were incurred by the providing department.

(3) The costs to be reimbursed to the providing department pursuant to clause (2)(b) may initially be charged to a suitable appropriation available to the providing department.

(4) Subject to subsection 37(3) and to the approval of the board and to any limitations and restrictions that the board may impose, costs to be reimbursed that may initially be charged to a suitable appropriation of the providing department pursuant to subsection (3) may be charged to the appropriation even if it results in an expense in excess of the appropriation.

(5) Costs reimbursed to the providing department pursuant to clause (2)(b) that were initially charged to an appropriation of the providing department pursuant to subsection (3) must be credited to the balance of the appropriation of the providing department to which they were initially charged.

“Shared grants or programs

33.2(1) In this section:

(a) **‘paying department’** means the department that makes the initial payment of a shared grant or provides a shared program;

(b) **‘shared grant’** means a grant the costs of which are to be shared with other departments having authority to make that grant;

(c) **‘shared program’** means a program the costs of which are to be shared with other departments having authority to provide that program.

(2) Subject to any orders or directives that the board may make:

(a) a paying department having authority to make a shared grant or provide a shared program may initially charge the part of the shared grant or shared program costs that is to be shared with and paid by the other departments to a suitable appropriation available to the paying department; and

(b) the other departments sharing the costs of the shared grant or shared program shall reimburse the paying department for their share of the costs for the same fiscal year in which the costs were incurred by the paying department.

(3) Subject to subsection 37(3) and to the approval of the board and to any limitations and restrictions that the board may impose, costs to be reimbursed that may initially be charged to a suitable appropriation of the paying department pursuant to clause (2)(a) may be charged to the appropriation even if it results in an expense in excess of the appropriation.

(4) Costs reimbursed to the paying department pursuant to clause (2)(b) that were initially charged to an appropriation of the paying department pursuant to clause (2)(a) must be credited to the balance of the appropriation of the paying department to which they were initially charged”.

Section 37 amended

16 Subsections 37(4) and (5) are repealed.

Consequential amendments

17 The provisions of the Acts and regulations set out in the Schedule I are amended by striking out “consolidated fund” wherever it appears and in each case substituting “general revenue fund”.

Consequential amendments

18 The provisions of the Acts and regulations set out in the Schedule II are amended by striking out “*The Financial Administration Act*” wherever it appears and in each case substituting “*The Financial Administration Act, 1993*”.

S.S. 1986-87-88, c.S-32.3, section 2 amended

19 Section 2 of *The Saskatchewan Property Management Corporation Act* is amended:

(a) by repealing clause (c); and

(b) by adding the following clause after clause (f):

“(f.1) ‘**general revenue fund**’ means the general revenue fund continued pursuant to *The Financial Administration Act, 1993*”.

R.R.S. c.G-5.1 Reg 5, section 3 amended

20 Subclause 3(b)(ii) of *The Department of Finance Regulations* is repealed and the following substituted:

“(ii) the management of the general revenue fund continued pursuant to *The Financial Administration Act, 1993* and the public debt of Saskatchewan”.

Coming into force

21 This Act comes into force on assent, but is retroactive and is deemed to have been in force on and from April 1, 2004.

Schedule I

[Section 17]

Act	Provision
<i>The Agricultural Credit Corporation of Saskatchewan Act</i> S.S. 1983-84, c.A-8.1	16(6) 18(1) 21(5) 29(2)
<i>The Agricultural Safety Net Act</i> S.S. 1990-91, c.A-14.2	5(5)
<i>The Agricultural Societies Act</i> R.S.S. 1978, c.A-15	42(6)(a)
<i>The Ambulance Act</i> S.S. 1986, c.A-18.1	14(a)
<i>The Business Corporations Act</i> R.S.S. 1978, c.B-10	220(3) 221(2)
<i>The Cancer Foundation Act</i> S.S. 1979, c.C-2.1	19 32
<i>The Commissioners for Oaths Act</i> R.S.S. 1978, c.C-16	7(3)
<i>The Communications Network Corporation Act</i> S.S. 1990-91, c.C-16.01	19(1)
<i>The Constitutional Questions Act</i> R.S.S. 1978, c.C-29	6
<i>The Correctional Services Act</i> S.S. 1993, c.C-39.1	52(4) 53(3) 53(4) 53(9) 53(11)(a) 53(11)(b)
<i>The Crown Administration of Estates Act</i> R.S.S. 1978, c.C-49	11 16
<i>The Department of Agriculture, Food and Rural Revitalization Act</i> R.S.S. 1978, c.D-8	14(4) 14(5) 14(10) 15(b) 15(c)
<i>The Department of Social Services Act</i> R.S.S. 1978, c.D-23	13(3)
<i>The Doukhobors of Canada C.C.U.B. Trust Fund Act</i> S.S. 1979-80, c.D-32.1	14
<i>The Family Farm Credit Act</i> R.S.S. 1978, c.F-5	7(2)

Act	Provision
<i>The Farm Financial Stability Act</i> S.S. 1989-90, c.F-8.001	27 29(1)
<i>The Federal-Provincial Agreements Act</i> R.S.S. 1978, c.F-13	6(2)
<i>The Fire Prevention Act, 1992</i> S.S. 1992, c.F-15.001	29(5)
<i>The Government Organization Act</i> S.S. 1986-87-88, c.G-5.1	8(3)
<i>The Highway Traffic Act</i> S.S. 1986, c.H-3.1	110(1)
<i>The Labour Standards Act</i> R.S.S. 1978, c.L-1	71(2)
<i>The Legislative Assembly and Executive Council Act</i> S.S. 1979, c.L-11.1	50(5) 58.1(3) 67.1(6) 84(2)
<i>The Liquor Board Superannuation Act</i> R.S.S. 1978, c.L-19	29(2) 35(9)(b)
<i>The Litter Control Act</i> R.S.S. 1978, c.L-22	14.85(3)
<i>The Meewasin Valley Authority Act</i> S.S. 1979, c.M-11.1	10(k) 65(5) 69(3)
<i>The Prescription Drugs Act</i> R.S.S. 1978, c.P-23	8(3)
<i>The Proceedings against the Crown Act</i> R.S.S. 1978, c.P-27	19(4) 21
<i>The Provincial Lands Act</i> R.S.S. 1978, c.P-31	36
<i>The Public Guardian and Trustee Act</i> S.S. 1983, c.P-36.3	43(2) 43(3)
<i>The Public Health Act</i> R.S.S. 1978, c.P-37	87(7)(a)
<i>The Public Officials Security Act</i> R.S.S. 1978, c.P-41	6(2)

Act	Provision
<i>The Public Service Superannuation Act</i> R.S.S. 1978, c.P-43	3(3) 12(10)(b) 20(5) 21(3) 21(4) 22(2) 22(3) 22(5)(b)(i) 22.1 36(1.1) 36(2) 36(3) 36(4) 36(5) 40 48(1) 50(b) 56(7)(c) 56(10) 58(2) 58(3) 60(2) 60.1(5) 60.1(12) 60.1(12.1) 60.2(4) 60.2(7) 60.2(13) 60.2(15)
<i>The Public Works Act</i> R.S.S. 1978, c.P-46	22(4) 22(5) 22(10) 23(b) 23(c)
<i>The Pulp and Paper Mills Act</i> S.S. 1986, c.P-47.1	5
<i>The Purchasing Act</i> R.S.S. 1978, c.P-49	9(a)(i) 9(a)(ii) 9(b)

Act	Provision
<i>The Queen's Printer's Act</i> R.S.S. 1978, c.Q-3	9.1(3) 9.1(4) 9.1(9)
<i>The Regional Colleges Act</i> S.S. 1986-87-88, c.R-8.1	22(5) 23(a)
<i>The Residential Tenancies Act</i> R.S.S. 1978, c.R-22	65(2)
<i>The Rural Municipality Act, 1989</i> S.S. 1989-90, c.R-26.1	174(8) 176
<i>The Saskatchewan Development Fund Act</i> R.S.S. 1978, c.S-14	18
<i>The Saskatchewan Government Insurance Act, 1980</i> S.S. 1979-80, c.S-19.1	13(2) 13(4) 16(4)
<i>The Saskatchewan Grain Car Corporation Act</i> S.S. 1979-80, c.S-19.2	13(1) 13(3) 16(4) 18(a)
<i>The Saskatchewan Heritage Foundation Act</i> S.S. 1990-91, c.S-22.1	16(a)
<i>The Saskatchewan Housing Corporation Act</i> R.S.S. 1978, c.S-24	36(1) 36(3) 37(3) 38 40(4)
<i>The Saskatchewan Property Management Corporation Act</i> S.S. 1986-87-88, c.S-32.3	13 14(1) 14(4) 16(5) 17(a)
<i>The Saskatchewan Telecommunications Act</i> R.S.S. 1978, c.S-34	28(3) 31(5) 33(1)(a)
<i>The Saskatchewan Telecommunications Holding Corporation Act</i> S.S. 1991, c.S-34.1	14 15(1) 15(5) 18(5) 19(1)(a)
<i>The SaskEnergy Act</i> S.S. 1992, c.S-35.1	37 38(1) 38(5) 43(5) 44(1)(a)

Act	Provision
<i>The Senior Citizens' Heritage Program Act</i> S.S. 1984-85-86, c.S-46.01	7
<i>The Snowmobile Act</i> R.S.S. 1978, c.S-52	42(1)
<i>The Teachers' Life Insurance (Government Contributory) Act</i> R.S.S. 1978, c.T-8	6(1)
<i>The University of Regina Act</i> R.S.S. 1978, c.U-5	72(4)
<i>The Urban Municipality Act, 1984</i> S.S. 1983-84, c.U-11	92(7.11)(b)
<i>The Vehicle Administration Act</i> S.S. 1986, c.V-2.1	89(1)
<i>The Wages Recovery Act</i> R.S.S. 1978, c.W-1	13(2)
<i>The Wakamow Valley Authority Act</i> S.S. 1980-81, c.W-1.1	11(j) 57 64(3)
<i>The Wascana Centre Act</i> R.S.S. 1978, c.W-4	43(1) 59(5) 65(2)
<i>The Workers' Compensation Act, 1979</i> S.S. 1979, c.W-17.1	119(3)
<i>The Workers' Compensation Board Superannuation Act</i> R.S.S. 1978, c.W-19	29(2) 34(9)(b)

Regulations	Provision
<i>The Social Services Rehabilitation Institutional Collective Benefit Funds and Trust Account Regulations</i> R.R.S. c.D-23 Reg 3	4(5) 5(5)
<i>The Revenue Collection Administration Regulations</i> R.R.S. c.R-22.01 Reg 2	2.1(1) 5(1) 5(3)(a) 26(1)(a) 31.4(1)(a) 34.1(1)(a) 39(1)(a) 50(1)(a) 58.8(1)(a)

Schedule II

[Section 18]

Act	Provision
<i>The Agricultural Credit Corporation of Saskatchewan Act</i> S.S. 1983-84, c.A-8.1	16(6) 17
<i>The Agricultural Safety Net Act</i> S.S. 1990-91, c.A-14.2	4.2(3)(h) 5(5) 5(6)(a)
<i>The Ambulance Act</i> S.S. 1986, c.A-18.1	14(a)
<i>The Cancer Foundation Act</i> S.S. 1979, c.C-2.1	19
<i>The Communications Network Corporation Act</i> S.S. 1990-91, c.C-16.01	19(1)
<i>The Correctional Services Act</i> S.S. 1993, c.C-39.1	52(4)
<i>The Department of Social Services Act</i> R.S.S. 1978, c.D-23	13(3)
<i>The Doukhobors of Canada C.C.U.B. Trust Fund Act</i> S.S. 1979-80, c.D-32.1	14
<i>The Farm Financial Stability Act</i> S.S. 1989-90, c.F-8.001	28(2)
<i>The Federal-Provincial Agreements Act</i> R.S.S. 1978, c.F-13	6(2)

Act	Provision
<i>The Public Health Act</i> R.S.S. 1978, c.P-37	87(7)(a)
<i>The Regional Colleges Act</i> S.S. 1986-87-88, c.R-8.1	23(a)
<i>The Revenue and Financial Services Act</i> S.S. 1983, c.R-22.01	2(k)
<i>The Saskatchewan Government Insurance Act, 1980</i> S.S. 1979-80, c.S-19.1	13(4)
<i>The Saskatchewan Grain Car Corporation Act</i> S.S. 1979-80, c.S-19.2	13(3) 17(2) 18(a)
<i>The Saskatchewan Housing Corporation Act</i> R.S.S. 1978, c.S-24	37(2) 38
<i>The Saskatchewan Property Management Corporation Act</i> S.S. 1986-87-88, c.S-32.3	14(3)(a) 17(a)
<i>The Saskatchewan Telecommunications Act</i> R.S.S. 1978, c.S-34	28(2) 32(2) 33(1)(a)
<i>The Saskatchewan Telecommunications Holding Corporation Act</i> S.S. 1991, c.S-34.1	15(4)(a) 17(2) 19(1)(a)
<i>The SaskEnergy Act</i> S.S. 1992, c.S-35.1	38(4)(a) 42(2) 44(1)(a)
<i>The Summary Offences Procedure Act, 1990</i> S.S. 1990-91, c.S-63.1	28(4)
<i>The University of Regina Act</i> R.S.S. 1978, c.U-5	72(4)
<i>The Wakamow Valley Authority Act</i> S.S. 1980-81, c.W-1.1	11(j)
<i>The Wascana Centre Act</i> R.S.S. 1978, c.W-4	63(2)(l)

Regulations	Provision
<i>The Saskatchewan Canola Development Plan Regulations</i> R.R.S. c.A-15.2 Reg 2	12(2)(a)

