

**CONSOLIDATION OF FINANCIAL ADMINISTRATION ACT**  
R.S.N.W.T. 1988,c.F-4

*(Current to: March 8, 2012)*

**AS AMENDED BY NORTHWEST TERRITORIES STATUTES:**

R.S.N.W.T. 1988,c.55(Supp.)  
In force April 4, 1990: SI-006-90  
R.S.N.W.T. 1988,c.59(Supp.)  
In force August 24, 1990: SI-036-90  
R.S.N.W.T. 1988,c.84(Supp.)  
R.S.N.W.T. 1988,c.98(Supp.)  
R.S.N.W.T. 1988,c.107(Supp.)  
In force October 1, 1991: SI-013-91  
R.S.N.W.T. 1988,c.126(Supp.)  
S.N.W.T. 1991-92,c.19  
In force April 1, 1992  
S.N.W.T. 1991-92,c.20  
S.N.W.T. 1994,c.28  
In force January 1, 1995: SI-020-94  
S.N.W.T. 1995,c.11  
S.N.W.T. 1995,c.28  
In force July 1, 1996: SI-003-96  
S.N.W.T. 1997,c.8  
S.N.W.T. 1997,c.12  
In force July 1, 1998: SI-009-98  
S.N.W.T. 1997,c.24  
S.N.W.T. 1998,c.11  
S.N.W.T. 1998,c.21  
In force March 31, 1999: SI-007-99  
S.N.W.T. 1999,c.2  
In force March 26, 1999, except s.3-6  
s.3-6 in force July 12, 2006: SI-003-2006  
S.N.W.T. 1999,c.6

**AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:**

S.N.W.T. 1998,c.39  
In force April 1, 1999  
S.N.W.T. 1999,c.8  
In force April 1, 1999

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2005,c.3,s.3  
s.3 in force March 22, 2005  
S.Nu. 2006,c.4  
In force March 14, 2006

**Note: This amending Act should be reviewed to determine the application of its amendments to various budget years.**

(See following page for more Nunavut amending statutes)

**AS AMENDED BY NUNAVUT STATUTES: (continued)**

S.Nu. 2006,c.7

In force June 13, 2007: SI-002-2007

S.Nu. 2007,c.8,s.6

s.6 in force November 8, 2007

S.Nu. 2007,c.15,s.177(Sch.,s.6)

s.177(Sch.,s.6) in force April 1, 2008: SI-003-2008

S.Nu. 2008,c.17,s.45

s.45 in force September 19, 2011

S.Nu. 2009,c.7,s.3

s.3 in force June 16, 2009

S.Nu. 2010,c.3,s.5

s.5 in force April 1, 2003 (deemed)

S.Nu. 2010,c.7,s.3

s.3 in force June 10, 2010

S.Nu. 2011,c.6,s.10

s.10 in force February 25, 2011

S.Nu. 2011,c.10,s.8

s.8 in force March 10, 2011

S.Nu. 2011,c.11,s.1

s.1 in force March 10, 2011

S.Nu. 2011,c.27,s.19

s.19 in force October 31, 2011

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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**FINANCIAL ADMINISTRATION ACT**

## INTERPRETATION

## Definitions

1. (1) In this Act,

"accountable advance" means an accountable advance made under section 54; (*avance à justifier*)

"accounting officer" means a public officer or service contractor designated as an accounting officer under subsection 40(1); (*agent comptable*)

"activity" means a subdivision of an item; (*élément*)

"appropriation" means the authority contained in an Act to incur an expenditure; (*crédit*)

"Auditor General" means the Auditor General of Canada pursuant to section 43 of the *Nunavut Act* (Canada); (*vérificateur général*)

"Board" means the Financial Management Board established by subsection 3(1); (*Conseil*)

"Comptroller General" means the Comptroller General appointed under subsection 12(1); (*contrôleur général*)

"Consolidated Revenue Fund" means the Nunavut Consolidated Revenue Fund established by section 39 of the *Nunavut Act* (Canada) and composed of all public moneys and revenue over which the Legislature has the power of appropriation; (*Trésor*)

"department" means

- (a) a division of the public service designated as a department under the *Public Service Act*, or
- (b) the Office of the Legislative Assembly; (*ministère*)

"Deputy Minister" means a Deputy Minister as defined in the *Interpretation Act* and includes the Clerk of the Legislative Assembly, with respect to the Office of the Legislative Assembly; (*sous-ministre*)

"directive" means a written statement of specific action to be followed in carrying out the policy of the Government, issued under this Act; (*directive*)

"disbursement" means a payment or transfer of money from the Consolidated Revenue Fund or a special purpose fund; (*débours*)

"Estimates" means the annual estimates of expenditures and public revenues of the Government; (*budget des dépenses*)

"expenditure" means a cost of the Government incurred to provide for a known or estimated liability or loss; (*dépense*)

"expenditure officer" means

- (a) a Minister, or
- (b) a public officer or service contractor designated as an expenditure officer under subsection 40(1); (*agent des dépenses*)

"fiscal year" means the period beginning on April 1 in one year and ending on March 31 in the following year; (*exercice*)

"Government" means the Government of Nunavut; (*gouvernement*)

"guarantee" means

- (a) a guarantee of a debt, or
- (b) a promise to be a surety for another person; (*garantie*)

"indemnity"

- (a) means an undertaking given by the Government or an agent of the Government to hold harmless any person for loss to which that person is subject, and
- (b) does not include a guarantee; (*promesse d'indemniser*)

"item" means a subdivision of a vote; (*poste*)

"liability" means a financial obligation of the Government that is incurred in the fiscal year, regardless of when it is payable; (*dette*)

"Minister" means a member of the Executive Council appointed as a Minister under the *Legislative Assembly and Executive Council Act* and includes the Speaker of the Legislative Assembly with respect to the Office of the Legislative Assembly; (*ministre*)

"Minister of Finance" means the Minister responsible for the administration of this Act; (*ministre des Finances*)

"money" includes any negotiable instrument; (*fonds*)

"negotiable instrument" includes a bill of exchange, cheque, draft, money order, postal note, postal remittance, traveller's cheque and any other similar instrument; (*effet de commerce*)

"Public Accounts" means the Territorial Accounts referred to in section 44 of the *Nunavut Act (Canada)*; (*comptes publics*)

"public agency" means a statutory body specified in Schedule A or a territorial corporation specified in Schedule B or C; (*organisme public*)

"public money" means

- (a) money that belongs to the Government including
  - (i) public revenue received or receivable,
  - (ii) money borrowed by the Government, and
  - (iii) money received or collected by or on behalf of the Government, or
- (b) special purpose funds; (*fonds publics*)

"public officer" means

- (a) a Minister,
- (b) the Commissioner,
- (c) the Deputy Commissioner,
- (d) an individual employed in the public service,
- (e) the Clerk of the Legislative Assembly and the officers and employees of the Office of the Legislative Assembly,
- (f) a revenue officer, or
- (g) a person acting as an agent of the Government; (*fonctionnaire*)

"public property" means all personal and real property that belongs to the Government; (*biens publics*)

"public revenue" means the revenue of the Government; (*recettes publiques*)

"record" includes

- (a) an account, book, return, statement, report, financial document or other memorandum of financial or non-financial information represented by writing, electronic form or any other means, and
- (b) any information necessarily incidental to the interpretation of any system of recording data; (*registre*)

"revenue officer" means a person

- (a) engaged, appointed, employed or required by law or contract to collect, manage or account for public money, or
- (b) who receives, holds or is entrusted with public money, whether or not that person was appointed or employed for that purpose,

but does not include

- (c) a bank, trust company or an investment company as defined in the *Investment Companies Act* (Canada), as it read immediately before its repeal on July 31, 1996,
- (d) a person who is not otherwise a public officer and whose relationship with his or her clients or customers is regulated in a

- material way by or under an Act or regulation of Nunavut, Canada, a province or other territory, or
- (e) a member, officer or employee of a bank, trust company, investment company or person referred to in paragraph (c) or (d); (*agent de perception*)

"revolving fund" means a fund that is provided with continuous and non-lapsing authority to retain revenues and to make disbursements from the Consolidated Revenue Fund for specific purposes and within specific limits; (*fonds renouvelable*)

"service contractor" means

- (a) a person whose services are engaged by the Government in consideration of the payment of a fee, whether or not the contract for those services is made with that person or another person, or
- (b) a person who contracts to provide the services of one or more individuals to the Government in consideration of the payment of a fee; (*entrepreneur de services*)

"special purpose fund" means money that is paid to the Government or a public officer under or pursuant to a law, trust, undertaking or contract to be disbursed for a purpose specified in or pursuant to the law, trust, undertaking or contract, but does not include money that belongs to a public agency unless it is paid to the Government under or pursuant to a law, trust, undertaking or contract and the Government considers it to be a special purpose fund; (*fonds établi à une fin particulière*)

"territorial corporation" means a statutory corporation specified in Schedule B or C; (*société territoriale*)

"vote" means a category of expenditure according to its intended use. (*vote*)

Interpretation of certain expressions

(2) The definitions of "public officer", "public agency" and "territorial corporation" are for the purposes of this Act only and shall not be construed as being determinative of a person's employment in the public service or of the existence of an agency relationship with the Government.

Paramountcy

(3) If there is a conflict between this Act, or a regulation, directive or order made under this Act, and any other enactment except the *Access to Information and Protection of Privacy Act*, this Act or the regulation, directive or order made under this Act prevails to the extent of the conflict, unless this Act provides otherwise or another Act expressly states that it, or a regulation, directive or order made under it, operates despite this Act. S.N.W.T. 1998,c.11,s.2; S.N.W.T. 1999,c.2,s.2; S.Nu. 2005,c.3,s.3(2); S.Nu. 2007,c.8,s.6; S.Nu. 2011,c.10,s.8(2).

## GOVERNMENT

Government bound by Act

2. This Act binds the Government.

## PART I

### ORGANIZATION

Financial Management Board

3. (1) A committee of the Executive Council called the Financial Management Board is established with responsibility for the financial management and administration of the Government.

Minister of Finance

- (2) The Minister of Finance shall preside over the Board.

Composition of Board

- (3) The Board shall be composed of the Minister of Finance and the other members of the Executive Council that may be designated by the Executive Council.

Membership of Speaker

- (4) The Speaker of the Legislative Assembly may sit as a member of the Board and participate in its decisions where the Board acts on matters relating to the Office of the Legislative Assembly.

Secretary

- (5) The Minister of Finance, on the recommendation of the Board, shall appoint a member of the public service to be the secretary of the Board.

Duties of secretary

- (6) The secretary of the Board shall perform the duties that the Board may assign.

Duties of Board

4. (1) The Board shall act on all matters related to the financial management and financial administration of the Government in respect of
  - (a) accounting and budgeting policies;
  - (b) the Public Accounts and the Estimates;
  - (c) controlling and recording financial commitments, assets, liabilities, expenditures and revenues;
  - (d) evaluating the efficiency, economy and effectiveness of programs;
  - (e) reviewing annual and long-term expenditure and revenue plans;
  - and
  - (f) any other matter referred to it by the Executive Council.

### Rules and procedures

(2) Subject to this Act and any directions of the Executive Council, the Board shall determine its own rules and procedures.

### Direction of Executive Council

(3) In exercising its powers and performing its duties under this or any other Act, the Board is subject to the direction of the Executive Council.

### Directives of Board

**5.** (1) The Board may issue directives to a public officer, other than the Speaker of the Legislative Assembly, respecting any matter referred to in subsection 4(1).

### Implementation of directive

(2) A public officer who receives a directive from the Board shall ensure that it is implemented in a prompt and efficient manner.

### Power to obtain information

**6.** (1) The Board may direct a public officer, service contractor or agent of the Government to provide to the Board, and that person shall provide any information, in the form of a record or otherwise, that the Board considers necessary to exercise or perform any of its powers or duties under this or any other Act.

### Exception

(2) This section does not apply to the Speaker of the Legislative Assembly.  
S.Nu. 2009,c.7,s.3(3).

### Confidentiality of information

**7.** A person who receives information under this Act from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as those which governed the person from whom the information was obtained.

### Duties of Minister of Finance

**8.** The Minister of Finance shall

- (a) be responsible for matters relating to the fiscal policy of the Government;
- (b) manage the Consolidated Revenue Fund; and
- (c) direct all other matters relating to the financial affairs of the Government that are not assigned by this or any other enactment to the Board or any other person.

### Powers of Minister of Finance

**9.** (1) The Minister of Finance may

- (a) examine any record of the Government that the Minister of Finance considers necessary to exercise the powers or perform the duties of the Minister of Finance;

- (b) require any public officer to provide the information and explanations that are necessary for the Minister of Finance to exercise the powers or perform the duties of the Minister of Finance; and
- (c) at the direction of the Board, require any public officer to provide the information or explanations that are necessary to enable the Minister of Finance to determine whether public money was disbursed or expended for the purpose for which it was appropriated.

#### Exception

- (2) This section does not apply to the Speaker of the Legislative Assembly.

#### Appointment of Deputy Minister

**10.** (1) The Minister of Finance may appoint a member of the public service to be a Deputy Minister to assist the Minister of Finance in the performance of his or her duties.

#### Duties of Deputy Minister

(2) The Deputy Minister appointed under subsection (1) shall perform the duties that the Minister of Finance may assign.

#### Responsibility of Ministers

**11.** (1) Each Minister shall ensure that each department for which he or she is responsible complies with this Act and the regulations.

#### Direction of Board

(2) Each Minister, other than the Speaker of the Legislative Assembly, is subject to the general direction of the Board and the Minister of Finance with respect to matters within the authority of the Board and the Minister of Finance.

#### Accountability of Ministers

(3) Each Minister shall report, in the form that the Board or the Minister of Finance may direct, to the Executive Council or the Board on the financial affairs of each department for which he or she is responsible.

#### Comptroller General

**12.** (1) The Minister of Finance shall appoint a member of the public service to be the Comptroller General.

#### Duties of Comptroller General

- (2) The Comptroller General shall
  - (a) ensure that the Public Accounts are prepared for each fiscal year;
  - (b) establish the form and content of financial records and accounting systems for the Government;
  - (c) establish and maintain systems and procedures to ensure that
    - (i) all public money is collected and accounted for,

- (ii) all public property is properly controlled,
  - (iii) all disbursements are properly authorized, and
  - (iv) any other financial matter under the responsibility of the Comptroller General is carried out in accordance with his or her requirements; and
- (d) perform any other duties that may be assigned by the Minister of Finance or the Board.

#### Delegation to Board

**13.** (1) The Board may delegate to a public officer any power or duty of the Board, under this Act, that is prescribed as being capable of delegation.

#### Delegation to certain public officers

(2) A Minister and the Comptroller General may delegate any of their powers and duties to a public officer.

#### Subdelegation

(3) A public officer to whom a power or duty is delegated under this section shall not in turn subdelegate that power or duty to another person unless it is authorized by the terms of the original delegation.

## PART II

### PUBLIC MONEY

#### Deposit of public money

**14.** (1) Subject to this Part, every public officer shall ensure that all public money under the control of the public officer is deposited

- (a) in bank accounts to the credit of the Government; and
- (b) in accordance with the systems and procedures established under paragraph 12(2)(c).

#### Appropriate account

(2) A public officer who receives public money shall ensure that it is credited to the appropriate account.

#### Recording of public money

**15.** Every revenue officer shall keep records respecting public money in the form and manner that the Comptroller General directs.

#### Ownership of records

**16.** (1) All records kept, used or received by or taken into the possession of a revenue officer, by virtue of the revenue officer's position, belong to the Government.

### Ownership of money and securities

(2) All money or valuable securities received by or taken into the possession of a revenue officer, by virtue of the revenue officer's position, belong to the Government.

### Interest on late payments

**17.** (1) Subject to the *Income Tax Act*, the Board may direct that interest be charged at a prescribed rate on any late payment made in connection with a debt owed to the Government.

### Discount for early payments

(2) The Board may direct that a discount be granted at a prescribed rate for the payment of any debt owed to the Government before the date on which the debt becomes due.

### Fee for services rendered

**18.** (1) Subject to the provisions of this or any other enactment, a fee may be charged for any service provided by a department or public agency in the amount and in the circumstances that the Minister responsible for the department or public agency directs or the regulations require.

### Minister to advise Board

(2) The Minister responsible for a department or public agency, who acts under subsection (1) or section 108, shall advise the Board of the introduction of a fee, a change to a fee, or the removal of a fee charged for any service within 60 days of the day on which the fee or a change to the fee is effective or the fee is removed.  
S.N.W.T. 1998,c.21,s.7(2).

### Repayment of money

**19.** Where a public officer or the Government receives money

- (a) that is erroneously paid or collected, or
- (b) for a purpose that is partially or not fulfilled,

the Comptroller General is authorized to repay the money, in whole or in part, as the circumstances require.

### Special purpose funds

**20.** (1) Money from a special purpose fund that is deposited into an account forming part of the Consolidated Revenue Fund may be disbursed from that account for its special purpose without being chargeable to an appropriation.

### Interest

(2) Subject to any other enactment, the Board may direct that interest, at a rate fixed by the Board, be paid from the Consolidated Revenue Fund in respect of the money referred to in subsection (1).

## Definitions

**21.** (1) In this section,

"penalty" means a penalty, forfeiture or fine payable as the result of the contravention of an enactment concerning the collection of public revenue; (*pénalité*)

"tax" includes a tax, interest, fee, impost or toll payable under any enactment. (*taxe*)

## Remission of tax or penalty

(2) The Commissioner, on the recommendation of the Executive Council, may grant a remission of any tax or penalty paid or payable to the Government.

## Form of remission

(3) The remission granted under subsection (2) may be total, partial, conditional or unconditional and may be granted by

- (a) forbearing to commence a suit or proceeding for the recovery of the tax or penalty;
- (b) delaying, staying or discontinuing a suit or proceeding already commenced;
- (c) forbearing to enforce, staying or abandoning an execution or process on a judgment;
- (d) entering satisfaction on a judgment; or
- (e) repaying any sum of money paid to or recovered by the Government for the tax or penalty.

## Where tax or penalty already paid

(4) Where the remission granted under subsection (2) is in respect of a tax or penalty already paid, any repayment of the tax or penalty must be paid out of the Consolidated Revenue Fund and charged against the account to which the tax was credited.

## Breach of condition of remission

(5) Where the remission granted under subsection (2) is conditional and that condition is not performed, the remission is void and proceedings may be taken by the Government as if the remission had not been granted.

## Deduction or set-off

**22.** (1) The Comptroller General may retain money by way of deduction or set-off out of any money payable to a person by the Government out of the Consolidated Revenue Fund where

- (a) that person owes money to the Government;
- (b) the Government has made an overpayment to that person; or
- (c) that person received an accountable advance and has not repaid or accounted for it.

#### Agreement to waive deduction or set-off

(2) The Comptroller General may waive the power to retain money by way of deduction or set-off under subsection (1) by consenting to any agreement made by or on behalf of the Government that provides that this power will not be used.

#### Payment of rebate or refund

**23.** Every rebate or refund of public revenue payable under any enactment must be paid out of the Consolidated Revenue Fund and must be shown in the Public Accounts as a deduction from the public revenue of the current fiscal year.

#### Prohibition on write-offs

**24.** (1) Subject to subsections (2) to (4) and to any regulations made under section 107, no public officer shall write off an asset of the Government or a debt or obligation owed to the Government, in whole or in part.

#### Write-off of assets, debts or obligations

(2) The Board may direct a public officer to write off an asset of the Government or a debt or obligation owed to the Government, in whole or in part, where

- (a) the amount to be written off does not exceed \$20,000; and
- (b) the Board considers the asset, debt or obligation to be unrealizable or uncollectable.

#### Limitation

(3) No public officer shall write off an asset of the Government or a debt or obligation owed to the Government, in whole or in part, that exceeds \$20,000, without the express authority of an Act for that write-off.

#### Effect of write-off

(4) No debt, obligation or part of a debt or obligation that is written off shall be deemed to be remitted, satisfied or forgiven as a result of the write-off.

R.S.N.W.T. 1988,c.84(Supp.),s.1.

#### Forgiveness of debts under an Act

**25.** (1) Subject to section 21 and subsection (2), no person shall forgive a debt or obligation owed to the Government, in whole or in part, without the express authority of an Act for the forgiveness of that debt or obligation.

#### Forgiveness of debts by Board

(2) The Board may forgive a debt or obligation owed to the Government where the amount of the debt or obligation does not exceed \$1000. S.N.W.T. 1991-92,c.19,s.1.

#### Reporting remissions and write-offs

**26.** (1) Any tax or penalty remitted under section 21 and any asset, debt or obligation, in whole or in part, written off under section 24 during any fiscal year that exceeds \$500 must be reported in the Public Accounts for that fiscal year.

Recording remissions and write-offs

(2) The Comptroller General shall maintain a record of all amounts remitted or written off under sections 21 and 24 in a fiscal year.

PART III

APPROPRIATIONS

Authority for expenditure

**27.** No person shall incur an expenditure without the authority of an enactment.

Estimates

**28.** (1) The Minister of Finance, under the direction of the Board, shall prepare the Estimates for each fiscal year.

Votes, items and activities

(2) The Estimates must be divided into votes consisting of one or more items with the items divided into one or more activities.

Expenditures

(3) The Estimates must include all expenditures that are expected to be incurred in respect of the fiscal year.

Public revenues

(4) The Estimates must include all public revenues that are expected to be received during or to become due in respect of the fiscal year.

S.N.W.T. 1991-92,c.20,s.2.

Appropriation bill

**29.** The Minister of Finance shall submit to the Legislative Assembly, in accordance with section 40 of the *Nunavut Act* (Canada), an appropriation bill for each fiscal year based on the votes and items of expenditure set out in the Estimates.

S.Nu. 2005,c.3,s.3(2).

Expenditure control

**30.** (1) No person shall incur an expenditure unless it is pursuant to an appropriation and in accordance with the activity set out in the Estimates on which the appropriation is based.

Charging expenditures

(2) Every expenditure must be charged against a vote, item and activity.

Disbursements pursuant to appropriations

**31.** (1) Subject to subsection (2), no person shall make a disbursement from the Consolidated Revenue Fund unless it is in respect of an expenditure incurred pursuant to an appropriation.

### Exceptions

- (2) Subsection (1) does not apply to disbursements made
- (a) under sections 19 to 21, 23, 54, 57 and 57.1; or
  - (b) in respect of a loan made under any other enactment.  
S.Nu. 2006,c.7,s.2.

### Limit on expenditure

**32.** No person shall incur an expenditure that causes the amount of the item set out in the Estimates on which the appropriation is based to be exceeded.  
S.N.W.T. 1991-92,c.20,s.3.

### Transfer among activities

**32.1.** (1) The Board, on the recommendation of the Minister responsible for an item, may transfer funds among activities set out in the Estimates on which the appropriated item is based, if the amount appropriated for the item as a whole is not increased.

### List of transfers for Legislative Assembly

(2) A list of any funds transferred under subsection (1) exceeding \$250,000 must be laid before the Legislative Assembly by the Minister of Finance at each session of the Legislative Assembly.

### Summary of transfers in Public Accounts

(3) A summary of any funds transferred under subsection (1) must be included in the Public Accounts. S.N.W.T. 1991-92,c.20,s.3.

### Definition of "activity budget"

**32.2.** (1) In this section, "activity budget" means the amount set out for an activity in the Estimates and on which the appropriation is based.

### Responsibility of Deputy Minister

(2) A Deputy Minister shall take all reasonable measures to ensure that no expenditure is incurred in respect of his or her department that causes an activity budget to be exceeded.

### Report to Minister of Finance

(3) Where an expenditure is incurred that causes an activity budget to be exceeded, the Minister responsible for the department shall submit to the Minister of Finance a report providing the details of each such case.

### Report to Board and Legislative Assembly

- (4) The Minister of Finance shall
- (a) submit the report referred to in subsection (3) to the Board by July 31 following the end of the fiscal year; and
  - (b) lay before the Legislative Assembly, with the interim report referred to in subsection 51(4), a report providing the details of

each case where an expenditure exceeded the activity budget by an amount exceeding \$250,000.

S.N.W.T. 1991-92,c.20,s.3.

#### Special warrants

**33.** (1) When the Legislative Assembly is not in session and the Board reports to the Commissioner that

- (a) an expenditure is urgently required,
- (b) the expenditure is in the public interest, and
- (c) there is no appropriation or an insufficient appropriation to incur the expenditure,

the Commissioner may issue a special warrant authorizing the expenditure.

#### When Legislative Assembly not in session

(2) For the purposes of subsection (1), the Legislative Assembly shall be deemed to be not in session when it has been adjourned indefinitely or to a day more than two weeks after the day the special warrant is issued under this section.

#### Interim appropriation

(3) A special warrant issued under this section is an interim appropriation for the fiscal year in which the special warrant is issued.

#### Financing special warrant

(4) The Board may finance a special warrant, in whole or in part, by reducing the amount appropriated for any other item, where the Board considers that

- (a) the amount appropriated for the other item is not urgently required; and
- (b) the public interest will not be adversely affected.

#### Submission of supplementary appropriation bill

(5) The Minister of Finance shall ensure that all expenditures authorized by a special warrant and all reductions of amounts appropriated under subsection (4) are submitted in the form of a supplementary appropriation bill to the Legislative Assembly at the resumption of the session or the next session, as the case may be.

#### Statement of special warrants

(6) A schedule listing all special warrants issued under this section during a fiscal year must be included in the Public Accounts.

#### Lapse of appropriation

**34.** Subject to sections 36 and 37, the balance of an appropriation for a fiscal year that is not expended at the end of the fiscal year lapses.

#### Record of liabilities and provisions for losses

**35.** Every Deputy Minister shall, within the period of time after the end of the fiscal year that the Board may establish, submit to the Comptroller General, in the form and manner required by the Comptroller General,

- (a) a record of liabilities as at the end of the fiscal year relating to those expenditures administered by his or her department; and
- (b) a record of provisions for losses of the Government as at the end of the fiscal year relating to those assets of the Government or debts or obligations owed to the Government administered by his or her department.

#### Accruing liabilities

**36.** (1) The Comptroller General shall ensure that the amount of a liability referred to in paragraph 35(a) is accurate and that it is charged to an appropriation as an expenditure for that fiscal year, notwithstanding that the liability will be discharged in a subsequent fiscal year.

#### Where expenditure exceeds appropriation

(2) Notwithstanding sections 30 and 32, where the charging of an expenditure to an appropriation under subsection (1) would cause the appropriation to be exceeded, the Comptroller General may charge the liability, and the amount by which the liability exceeds the appropriation is an interim appropriation for that fiscal year.

#### Financing interim appropriation

(3) The Board may finance the interim appropriation referred to in subsection (2) by reducing the appropriation for the fiscal year following the year in which the expenditure was charged.

#### Submission of supplementary appropriation bill

(4) The Minister of Finance shall ensure that the interim appropriation referred to in subsection (2) is submitted in the form of a supplementary appropriation bill to the Legislative Assembly not later than 15 days after the tabling of the Public Accounts for the fiscal year in which the expenditure was charged.

#### Disbursement to discharge liability

(5) A disbursement may be made in a subsequent fiscal year to discharge a liability charged to an appropriation under subsection (1).

#### Identification of disbursement

(6) A disbursement made under subsection (5) must be identified in the accounts with the relevant liability.

#### Where disbursement exceeds liability

(7) The amount by which a disbursement made under subsection (5) exceeds the amount fixed by the Comptroller General for the liability is an expenditure for the fiscal year in which the disbursement is made.

#### Where amount not material

(8) Where the disbursement exceeds the amount of the liability, the Comptroller General may direct a public officer to charge the amount of the excess against a suitable appropriation in the fiscal year in which the disbursement is to be made if, in the opinion of the Comptroller General, the amount is not material.

#### Where liability exceeds disbursement

(9) Where the amount of the liability exceeds the disbursement made in respect of the expenditure, the excess shall be credited to an appropriate expenditure or surplus account, but that amount may not increase the amount appropriated for that item for the current fiscal year.

#### Sufficiency of provisions for losses

**37.** (1) The Comptroller General shall ensure that the amount of a provision for losses referred to in paragraph 35(b) is sufficient to cause the assets of the Government and the debts and obligations owed to the Government to be recorded at their realizable value.

#### Accruing provisions for losses

(2) The Comptroller General shall ensure that the amount recorded as a provision for losses referred to in paragraph 35(b) is charged to an appropriation as an expenditure.

#### Where amount charged exceeds appropriation

(3) Notwithstanding sections 30 and 32, where the charging of an amount recorded as a provision for losses would cause the appropriation to be exceeded, the Comptroller General may charge the amount of the provision and the amount by which the provision exceeds the appropriation is an interim appropriation for that fiscal year.

#### Submission of supplementary appropriation bill

(4) The Minister of Finance shall ensure that the interim appropriation referred to in subsection (3) is submitted in the form of a supplementary appropriation bill to the Legislative Assembly not later than 15 days after the tabling of the Public Accounts for the fiscal year in which the amount was charged.

## PART IV

### EXPENDITURES AND DISBURSEMENTS

#### Prohibition

**38.** No person other than an expenditure officer shall incur an expenditure.

#### Responsibilities of Deputy Minister

**39.** Every Deputy Minister shall take all reasonable measures to ensure that no expenditure is incurred and no disbursement is made in respect of his or her department that contravenes this or any other Act or a regulation, directive or order made under this or any other Act. S.N.W.T. 1991-92,c.20,s.4.

Designation of accounting and expenditure officers

**40.** (1) Each Minister shall designate public officers of his or her department or service contractors attached to his or her department as accounting officers and expenditure officers for the department by reference to their names or positions in the department.

Suspension or revocation

(2) A Minister may suspend or revoke a designation made by the Minister under subsection (1).

Acting accounting officer

**41.** (1) An accounting officer may act in that capacity for another department only with the consent of the Comptroller General and the Deputy Minister of the other department.

Acting expenditure officer

(2) An expenditure officer may act in that capacity for another department only with the consent of the Deputy Minister of the other department.

Dual capacity

(3) Where a person has been designated as both an accounting officer and an expenditure officer, that person shall not act in both capacities in the same transaction.

Prohibition

(4) A corporation is not eligible to be designated as an accounting officer or an expenditure officer.

Approval of Comptroller General

**42.** (1) No person shall be designated as an accounting officer without the approval of the Comptroller General.

Suspension or revocation by Comptroller General

(2) The Comptroller General may suspend or revoke the designation of a person as an accounting officer.

Suspension or revocation by Board

(3) The Board may suspend or revoke the designation of any person as an accounting officer or as an expenditure officer or as both.

Report to Board

(4) The Comptroller General shall report to the Board the details of every case where the Comptroller General has suspended, revoked or not approved the designation of a person as an accounting officer.

### Decision of Board

(5) The Board may vary or reverse the decision of the Comptroller General to suspend, revoke or not approve the designation of a person as an accounting officer.

### Limits on authority of expenditure and accounting officers

- 43.** The Board may, by directive, fix monetary limits on the authority of
- (a) expenditure officers to incur expenditures and to certify those matters referred to in paragraphs 44(1)(a) and 49(2)(a); and
  - (b) accounting officers to certify those matters referred to in paragraphs 44(1)(b) and 49(2)(b).

### Expenditure control

- 44.** (1) No person shall incur an expenditure or enter into a contract for or on behalf of the Government that requires an expenditure in the same fiscal year, unless
- (a) an expenditure officer certifies that
    - (i) the expenditure is being incurred pursuant to an appropriation,
    - (ii) all reasonable measures have been taken to ensure that there is a sufficient uncommitted balance in the activity, set out in the Estimates on which the appropriation is based, to incur the expenditure,
    - (iii) the expenditure is consistent with the purpose of the activity set out in the Estimates on which the appropriation is based, and
    - (iv) if the expenditure is subject to any statutory conditions, those conditions are met; and
  - (b) an accounting officer certifies that
    - (i) an expenditure officer has certified those matters specified in paragraph (a),
    - (ii) the accounting officer has satisfied himself or herself that there is no reason why the expenditure should not be incurred,
    - (iii) all reasonable measures have been taken to ensure that there is a sufficient uncommitted balance in the activity, set out in the Estimates on which the appropriation is based, to incur the expenditure, and
    - (iv) the amount of the expenditure is accurate.

### Multi-year contracts

- (2) No person shall enter into a contract or assume an obligation for or on behalf of the Government that requires an expenditure in a subsequent fiscal year, unless
- (a) the person considers that
    - (i) the circumstances require such an expenditure to be incurred, and
    - (ii) the contract or obligation is in the public interest;

- (b) the contract is entered into or the obligation assumed in accordance with the directions of the Minister, whose department administers the contract, for any particular case or class of cases; and
- (c) notice of section 46 is given to any person to whom a disbursement will be made in respect of the expenditure.

#### Records of certifications

(3) Every Deputy Minister shall ensure that records of certifications made under this section are kept as the Board directs. S.N.W.T. 1991-92,c.20,s.5,6.

#### Effect of contravention

**45.** (1) A contract made in contravention of section 44 is not binding on the Government.

#### Exemption for emergencies

(2) Notwithstanding subsection 44(1), where a Deputy Minister is satisfied that a contract requiring an immediate disbursement is needed to protect public property or to provide for an emergency, the Deputy Minister may exempt the contract from the operation of subsection 44(1).

#### Notice of exemption

(3) The Deputy Minister shall promptly give written notice of an exemption made under subsection (2) to the Board.

#### Condition in contracts

**46.** It is a condition of every contract made by or on behalf of the Government requiring an expenditure that an expenditure pursuant to the contract will be incurred only if there is a sufficient uncommitted balance in the appropriated item for the fiscal year in which the expenditure is required under the contract.

#### Delivery of copy of contract

**47.** Where requested by the Comptroller General, a person entering into or executing a contract for or on behalf of the Government, under which a disbursement is or may be required, shall promptly deliver to the Comptroller General a copy of the contract or, if the contract is not in writing, particulars of it.

#### Requisition for disbursement

**48.** (1) No person shall make a disbursement from the Consolidated Revenue Fund unless it is pursuant to the written requisition of an expenditure officer.

#### Form of requisition

(2) The requisition required by subsection (1) shall be in the form, be accompanied by the documents and contain the certifications that the Board may direct or the regulations may require.

### Application

**49.** (1) This section applies only to disbursements that are not made in respect of an expenditure.

### Disbursement control

(2) No person shall make a disbursement unless

- (a) an expenditure officer certifies that
  - (i) if the disbursement is being made from a revolving fund, the purpose of the disbursement is consistent with the purpose for which the fund was established,
  - (ii) there is money available for the purpose for which the disbursement is intended,
  - (iii) if the disbursement is being made in respect of a contract, the disbursement is in accordance with the contract and, if the amount of the disbursement is not specified in the contract, it is fair in the circumstances,
  - (iv) if the disbursement is for property supplied or services rendered, the property or services were supplied or rendered in accordance with the contract, and
  - (v) if the disbursement is subject to any statutory conditions, those conditions are met; and
- (b) an accounting officer certifies that
  - (i) an expenditure officer has certified those matters specified in paragraph (a),
  - (ii) the accounting officer has satisfied himself or herself that there is no reason why the disbursement should not be made,
  - (iii) there is money available for the purpose for which the disbursement is intended, and
  - (iv) the amount of the disbursement is accurate.

### Prohibiting a disbursement

**50.** (1) The Comptroller General may prohibit the making of any disbursement.

### Request for review of prohibition

(2) Where the Comptroller General prohibits the making of a disbursement, the Deputy Minister or the person administering or entrusted with the funds from which the disbursement was to have been made may request that the prohibition be reviewed by the Board.

### Review of prohibition

(3) Where a review has been requested under subsection (2), the Board shall review the prohibition and may confirm, reverse or vary the decision of the Comptroller General to prohibit the disbursement.

## Statement of Comptroller General

**51.** (1) The Comptroller General shall prepare a statement for each fiscal year listing the details of every case where

- (a) the decision of the Comptroller General to prohibit the making of a disbursement has been reversed or varied by the Board under subsection 50(3); or
- (b) the Comptroller General is aware that
  - (i) more money was expended than was appropriated,
  - (ii) a disbursement was made for a purpose not consistent with an appropriation,
  - (iii) a disbursement was made in contravention of this Act or the regulations, or
  - (iv) a disbursement was made that, in the opinion of the Comptroller General, is in any other way irregular or unlawful.

## Delivery of statement

(2) The Comptroller General shall deliver the statement required by subsection (1) to the Board and the Auditor General by September 30 following the end of the fiscal year.

## Interim financial report

(3) The Comptroller General shall prepare, by September 30 following the end of the fiscal year, an interim report on the financial affairs of the Government that includes those statements referred to in paragraphs 73(a) and (b) and any other information that the Minister of Finance considers necessary.

## Tabling of interim financial report

(4) The Minister of Finance shall lay the report referred to in subsection (3) before the Legislative Assembly at the first opportunity.

## Form of disbursement of public money

**52.** (1) Every disbursement of public money must be made by a cheque or transfer that is

- (a) drawn on or made from an account established pursuant to subsection 39(2) of the *Nunavut Act* (Canada);
- (b) signed or authorized in the manner that the Board directs; and
- (c) prepared in accordance with the directions of the Comptroller General.

## Petty cash funds and imprest bank accounts

(2) Notwithstanding subsection (1), the Comptroller General may authorize the establishment and use of petty cash funds and imprest bank accounts.

S.Nu. 2005,c.3,s.3(2).

#### Examination and reconciliation of cheques

**53.** (1) The Comptroller General shall ensure that every cheque drawn under section 52 is, when paid, delivered to the Comptroller General, examined and reconciled with the account.

#### Destruction of cheques

(2) The Board, on the recommendation of the Comptroller General, may provide for the destruction of cheques or other instruments.

#### Accountable advances

**54.** (1) The Comptroller General may make accountable advances from the Consolidated Revenue Fund

- (a) to any public officer, service contractor or other person temporarily or otherwise employed or engaged in public business, for the purpose of paying for travel or other necessary expenses;
- (b) to a person or group pursuant to an agreement made by or on behalf of the Government; or
- (c) to any other person or group for any other purpose authorized by an Act or the Board.

#### Exemption from certification

(2) Notwithstanding section 49, subparagraph 49(2)(a)(iv) does not apply to an accountable advance.

#### Accounting for accountable advance

(3) A person receiving an accountable advance shall account for it in accordance with the directives of the Board and shall repay any portion of the advance not accounted for in accordance with the directives on demand of the Comptroller General.

#### *Idem*

(4) A person who has received an accountable advance but has not accounted for it by the end of the fiscal year in which it was made shall repay or account for it within the time that the Board may determine in any particular case or class of cases.

#### Interest on advances

**55.** (1) A public agency or revolving fund that receives an advance from the Consolidated Revenue Fund shall pay interest on the advance to the Consolidated Revenue Fund at the rate and on the terms that the Board directs.

#### Exemption from interest

(2) Notwithstanding subsection (1), the Board may exempt a public agency or revolving fund from the payment of all or any part of the interest payable under subsection (1).

## Receipt of refund or repayment

**56.** An amount received as a refund or repayment of an expenditure or accountable advance and deposited in the Consolidated Revenue Fund must be credited to the appropriation against which it was charged.

## PART V

## INVESTMENTS

## Investment of money

**57.** (1) The Minister of Finance may, on behalf of the Commissioner and in accordance with the regulations and with guidelines established by the Board, invest money standing to the credit of the Consolidated Revenue Fund in

- (a) deposit receipts, deposit notes, certificates of deposit, acceptances and other investment instruments issued, guaranteed or endorsed by a financial institution authorized to carry on business in Canada;
- (b) notes, bonds, debentures and other documents evidencing indebtedness issued by the Government of Canada, the Government of Nunavut and the government of a province or of a territory;
- (c) notes, bonds, debentures and other documents evidencing indebtedness issued by an agency of the Government of Canada, the Government of Nunavut and the government of a province or of a territory, where the indebtedness is guaranteed as to principal and interest by the government that is responsible for the agency;
- (d) notes, bonds, debentures and other documents evidencing indebtedness issued by a municipal corporation in Canada;
- (e) bills, notes, acceptances and other investment instruments issued, guaranteed or endorsed by a corporation that is authorized to carry on business in Canada; and
- (f) exchange contracts, securities and other investments.

## Disposal of securities or investments

(2) The Minister of Finance may, on behalf of the Commissioner, dispose of securities or investments acquired or held under subsection (1).

## Disposal of other investments

(3) The Minister of Finance may, on behalf of the Commissioner, hold or dispose of securities or investments that were acquired otherwise than pursuant to subsection (1) and were not, at the time of their acquisition, within any of the classes of investments or securities enumerated in subsection (1). S.N.W.T. 1999,c.2,s.3, S.Nu. 2011,c.6,s.10.

## Agreements and transactions in respect of petroleum products

**57.1.** The Minister of Finance may, on behalf of the Commissioner and in accordance with the regulations and with guidelines established by the Board, enter into agreements

and transactions of a financial nature for the management of risks relating to petroleum product prices, including

- (a) forward agreements;
- (b) commodity futures and options;
- (c) commodity swaps; and
- (d) master agreements providing for or otherwise respecting an agreement or a transaction referred to in this section.

S.Nu. 2006,c.7,s.3.

#### Loans

**58.** (1) Subject to subsection (2), the Minister of Finance may, on behalf of the Commissioner, make loans from the Consolidated Revenue Fund, repayable on demand or within a term not exceeding 30 days, on the security of investments or securities of any of the classes enumerated in subsection 57(1) owned by the borrower and having a market value at least equal to the amount loaned.

#### Limitation

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

- (a) the Government of Canada or the government of a province or territory;
- (b) a bank; or
- (c) a person whose principal business is the underwriting, distribution or buying and selling from and to the public in Canada of any of the classes of investments or securities enumerated in subsection 57(1).

S.Nu. 2005,c.3,s.3(2).

## PART VI

### PUBLIC PROPERTY AND REVOLVING FUNDS

#### Prohibition

**59.** No revolving fund shall be established except by Act.

#### Duties regarding revolving fund

**60.** At the end of each fiscal year, each Deputy Minister whose department administers a revolving fund shall

- (a) prepare a balance sheet and a statement of operations for the revolving fund and any other information that the Comptroller General may require;
- (b) transfer any profit in a revolving fund to the Consolidated Revenue Fund as public revenue; and
- (c) charge any loss in the revolving fund to an appropriation.

#### Records of public property

**61.** In addition to any records established under paragraph 12(2)(b), every Deputy Minister shall ensure that adequate records are kept in respect of the public property administered by his or her department.

#### Boards of Survey

**62.** (1) The Minister of Finance may, by order, establish Boards of Survey, fix their duration and specify the nature of their inquiries under paragraph 63(1)(a).

#### Composition

(2) The Minister of Finance may appoint as many public officers to be members of a Board of Survey as the Minister considers appropriate.

#### Duties of Board of Survey

**63.** (1) A Board of Survey shall

- (a) inquire into and make recommendations on revolving funds; and
- (b) perform other duties that may be prescribed or assigned to it by the Minister of Finance.

#### Frequency of inquiries

(2) An inquiry must be made by a Board of Survey for each revolving fund at least once every four years.

#### Deletion of public property

**64.** Where a Board of Survey or public officer recommends the deletion of any public property from the inventory of a revolving fund,

- (a) the Deputy Minister may direct the deletion of all or any part of that property from the inventory if the value of the property to be deleted does not exceed \$20,000; and
- (b) the Financial Management Board may direct the deletion of all or any part of that property from the inventory if the value of the property to be deleted exceeds \$20,000.

S.Nu. 2011,c.6,s.10.

#### Disposal of public property

**65.** (1) Where the Board determines that public property is surplus to the requirements of the Government or that its disposal is in the best interests of the Government, the Board may authorize the disposal of the property.

#### Proceeds of disposal

(2) The proceeds from the disposal of public property must be credited to an appropriate revenue account.

## PART VII

## GENERAL FINANCIAL MATTERS

## Guarantees and Indemnities

## Prohibition

**66.** (1) No person shall make a guarantee or indemnity for or on behalf of the Government unless authorized by an enactment to do so.

## Effect of contravention

(2) A guarantee or indemnity made in contravention of subsection (1) is not binding on the Government.

## Guarantee on behalf of Government

**67.** (1) The Commissioner, on behalf of the Government and on the recommendation of the Board, may, in writing, in a fiscal year, make a guarantee, where the maximum aggregate liability under all outstanding guarantees made under this subsection and paragraph 87(1)(a), calculated on a consolidated financial statement basis and excluding guarantees made on behalf of the Nunavut Housing Corporation, does not exceed 15% of the public revenues forecast in the Estimates for that fiscal year.

## Notice to members of the Legislative Assembly

(1.1) The Minister of Finance shall, at least 14 days before the Board recommends the making of a guarantee having a maximum liability exceeding \$500,000, give notice to members of the Legislative Assembly in accordance with the regulations.

## Source of payments

(2) A payment made pursuant to a guarantee made by or on behalf of the Government under subsection (1) must be made from the Consolidated Revenue Fund and charged against a suitable appropriation.

## Signing of guarantees and indemnities

(3) Subject to this Act and the regulations, a document evidencing a guarantee made by or on behalf of the Government may be executed by the Minister of Finance on behalf of the Commissioner.

## Additional authority

(4) The authority provided by this section to make a guarantee is in addition to any other authority to make a guarantee that may be contained in any other enactment. S.N.W.T. 1997,c.24,s.2; S.N.W.T. 1998,c.11,s.3; S.Nu. 2005,c.3,s.3(2).

## Indemnity on behalf of Government

**67.1.** The Minister of Finance may, in writing, on behalf of the Government and on the recommendation of the Board, make an indemnity, where the maximum liability under the indemnity does not exceed \$500,000. S.N.W.T. 1998,c.11,s.4.

#### Specifically authorized indemnities

**67.2.** (1) The Minister of Finance may, in writing, on behalf of the Government and on the recommendation of the Board, make an indemnity having a maximum liability that exceeds \$500,000 or that cannot be quantified when it is made, to the benefit of the following:

- (a) an individual who is not an employee as defined in the *Public Service Act* and who serves, at the request of the Government, as a member of a board, agency, committee or council;
- (b) a board, agency, committee or council that performs functions on behalf of the Government;
- (c) a municipal corporation, settlement corporation or other community government body, in respect of environmental liabilities associated with a transfer of assets or infrastructure by the Government to the municipal corporation, settlement corporation or other community government body.

#### Indemnity by other Ministers

(2) A Minister, other than the Minister of Finance, may, in writing, on behalf of the Government and on the recommendation of the Board with the approval of the Minister of Finance, make an indemnity referred to in subsection (1).

#### Board directive

(3) The Board shall direct the review of every request for an indemnity made under subsection (1) or (2) to determine if insurance is available and if insurance should be purchased in lieu of making the indemnity.

#### Conditions

(4) The Board shall not recommend the making of an indemnity under subsection (1) or (2) unless the Board is satisfied that

- (a) appropriate measures have been taken to minimize any potential risk to the Government in respect of the indemnity; and
- (b) insurance is unavailable or is only available on uneconomic terms.

#### Notice to members of the Legislative Assembly

(5) The Minister of Finance shall, at least 14 days before the Board recommends the making of an indemnity under subsection (1) or (2), give notice to members of the Legislative Assembly in accordance with the regulations. S.N.W.T. 1998,c.11,s.4.

#### Source of payments

**67.3.** (1) A payment made pursuant to an indemnity made by or on behalf of the Government under section 67.1 or 67.2 must be made from the Consolidated Revenue Fund and charged against a suitable appropriation.

#### Additional authority

(2) The authority provided by sections 67.1 and 67.2 to make an indemnity is in addition to any other authority to make an indemnity that may be contained in any other enactment. S.N.W.T. 1998,c.11,s.4.

#### Report

- 68.** (1) Every Deputy Minister whose department administered or made a guarantee or indemnity during a fiscal year shall prepare a report for the Board for that fiscal year
- (a) summarizing the guarantees and indemnities made in that fiscal year;
  - (b) showing the total amount of contingent liability under all guarantees outstanding as at the end of the fiscal year;
  - (b.1) in the case of indemnities with quantified contingent liability, showing the total amount of that liability outstanding as at the end of the fiscal year;
  - (c) showing the amounts paid during that fiscal year as a result of any liability under the guarantees and indemnities; and
  - (d) showing the amounts recovered from any person during that fiscal year by the Government by exercising any right arising from any liability under a guarantee or indemnity.

#### Reporting guarantees and indemnities

(2) The total amount of contingent liability under all guarantees made by the Government that are outstanding as at the end of the fiscal year must be reported in the Public Accounts for that fiscal year.

#### Reporting indemnities

(3) The total amount of any quantified contingent liability under indemnities made by the Government that are outstanding as at the end of the fiscal year must be reported in the Public Accounts for that fiscal year. S.N.W.T. 1998,c.11,s.5.

## ASSIGNMENTS

#### Definition of "debt"

**69.** (1) In this section, "debt" includes an existing debt, a future debt, or a chose in action.

#### Application

(2) This section does not apply to negotiable instruments.

#### Assignment of salary, wages and debt

(3) Subject to the *Public Service Garnishee Act* and any other enactment, the Government is not bound by an assignment

- (a) by a public officer or service contractor, of salary or wages owing to him or her; or
- (b) by any person of a debt owed to that person by the Government.

### Exemption

(4) The Comptroller General may, by consenting in writing to a particular assignment, exempt that assignment from the operation of subsection (3).

## MANAGEMENT PROCEDURES

### Charges for property or services

**70.** Where a department supplies property or renders a service to another department or a revolving fund, the Board may

- (a) designate the department as one that charges for that property or service;
- (b) specify the property or service or classes of property or service that is to be charged;
- (c) fix the rates to be charged for the property or service; and
- (d) specify the fund or account to which the payment of the charges is to be credited.

### Bonding

**71.** The Board may direct that a public officer or service contractor be bonded in any particular case or class of cases and may establish criteria respecting bonding.

## PART VIII

### PUBLIC ACCOUNTS

#### Preparation of Public Accounts

**72.** The Comptroller General shall prepare the Public Accounts for each fiscal year in accordance with the accounting policies of the Government as established by the Board.

#### Content of Public Accounts

**73.** The Public Accounts for each fiscal year must include

- (a) a statement of assets and liabilities showing the financial position of the Government as at the end of the fiscal year;
- (b) a statement of expenditures and revenues of the Government showing the results of operations for the fiscal year;
- (c) a statement of changes in financial position of the Government for the fiscal year;
- (d) any statement, report, schedule, account, note, explanation or information relating to the financial statements that the Minister of Finance or the Board considers necessary or advisable;
- (e) the report of the Auditor General on the examination of the Auditor General of the accounts and financial transactions of the Government;
- (f) a summary of expenditures incurred pursuant to every appropriation;

- (g) such other information that is necessary to show the financial position of the Government in respect of the fiscal year; and
- (h) any report, statement or other information that is required to be included in the Public Accounts by this Act, the regulations or the *Nunavut Act* (Canada).  
S.Nu. 2005,c.3,s.3(2).

#### Tabling of Public Accounts

**74.** Unless the Legislative Assembly otherwise fixes a date, the Public Accounts for the fiscal year must be laid before the Legislative Assembly on or before December 31 following the end of the fiscal year or, if the Legislative Assembly is not then in session, not later than 15 days after the commencement of the next session of the Legislative Assembly.

## PART IX

### PUBLIC AGENCIES

#### Definitions

**75.** In this Part,

"appropriate Minister" means the Minister responsible for the public agency or the Commissioner, where the Commissioner is made responsible for a public agency; (*ministre de tutelle*)

"board" means

- (a) the board of directors of a public agency, or
- (b) if the public agency has no board of directors, the public agency itself; (*conseil d'administration*)

"expenditure" means a cost of the public agency incurred to provide for a known or estimated liability or loss; (*dépense*)

"financial year" means the financial year of the public agency; (*exercice*)

"item" means a category of expenditure set out in an operating or capital budget; (*poste*)

"member of the board" means a member of

- (a) the board of directors of a public agency, or
- (b) if the public agency has no board of directors, the public agency itself. (*membre du conseil d'administration*)

### Prohibitions respecting Government corporations

**76.** (1) No person shall

- (a) procure the incorporation of a corporation any shares of which, on incorporation, would be held by, on behalf of or in trust for the Government,
- (b) acquire shares of a corporation that, on acquisition, would be held by, on behalf of or in trust for the Government,
- (c) dispose of the shares of a corporation that are held by, on behalf of or in trust for the Government, or
- (d) procure the dissolution or amalgamation of a corporation any shares of which are held by, on behalf of or in trust for the Government,

unless he or she is authorized by an Act to do so.

### Subsidiaries of corporations owned by Government

(2) For the purposes of subsection (1), shares held by, on behalf of or in trust for a corporation owned by the Government shall be deemed to be held on behalf of the Government.

### Accountability

**77.** A public agency is ultimately accountable, through the appropriate Minister, to the Legislative Assembly for the conduct of its affairs.

### Directives

**78.** (1) Where the appropriate Minister and the Executive Council are of the opinion that it is in the public interest, the Minister of Finance may issue a directive to a public agency respecting its financial management and financial administration.

### Consultation

(2) Before a directive is issued to a public agency, the appropriate Minister shall consult the members of the board with respect to the content and effect of the directive.

### Implementation

(3) The members of the board shall ensure that a directive is implemented in a prompt and efficient manner and, if they act in accordance with section 90, they are not accountable for any consequences arising from the implementation of the directive.

### Limitation

(4) A directive is of no effect to the extent that it is unlawful or inconsistent with any enactment.

### Additional limitation

(5) A directive is of no effect to the extent that it affects the disposition of any funds in the Workers' Protection Fund continued under the *Workers' Compensation Act*.

#### Additional authority

(6) The authority provided by this section to issue directives is in addition to any other authority to issue directives that may be contained in any other enactment.

#### Reporting of directives

(7) Any directive given to a public agency during any financial year must be reported in the financial statements of that public agency for that financial year. S.Nu. 2007,c.15,s.177(Sch.,s.6(2)).

#### Financial information

**79.** A public agency shall provide the Minister of Finance with the financial information or records that the Minister of Finance may require in the exercise of his or her powers and the performance of his or her duties under this Act.

#### Prohibition on borrowing

**80.** (1) No public agency shall borrow money without the approval of the Financial Management Board, on the recommendation of the appropriate Minister and the Minister of Finance.

#### Limit on borrowing

(2) Before approving the borrowing of money under subsection (1), the Financial Management Board shall ensure that the public agency does not borrow money in an amount that causes the limit approved by the Governor in Council, pursuant to subsection 27(2) of the *Nunavut Act* (Canada), to be exceeded. S.Nu. 2005,c.3,s.3(2).

#### Investment of money of public agency

**81.** (1) A public agency may, in accordance with the regulations, invest money belonging to the public agency in

- (a) deposit receipts, deposit notes, certificates of deposit, acceptances and other investment instruments issued, guaranteed or endorsed by a financial institution authorized to carry on business in Canada;
- (b) notes, bonds, debentures and other documents evidencing indebtedness issued by the Government of Canada, the Government of Nunavut and the government of a province or of a territory;
- (c) notes, bonds, debentures and other documents evidencing indebtedness issued by an agency of the Government of Canada, the Government of Nunavut and the government of a province or of a territory, where the indebtedness is guaranteed as to principal and interest by the government that is responsible for the agency;
- (d) notes, bonds, debentures and other documents evidencing indebtedness issued by a municipal corporation in Canada; and
- (e) bills, notes, acceptances and other investment instruments issued, guaranteed or endorsed by a corporation that is authorized to carry on business in Canada.

## Investment in other securities or investment instruments

(2) A public agency shall not invest in securities or investment instruments other than those referred to in subsection (1) except

- (a) with the approval of the appropriate Minister and the Minister of Finance; and
- (b) if the investment is for a purpose for which the public agency is established.

## Exception

(3) Notwithstanding subsection (2), the Workers' Safety and Compensation Commission may, in addition to investing in the securities and other investment instruments referred to in subsection (1), invest in any other securities and investment instruments that it determines to be prudent. S.N.W.T. 1999,c.2,s.4; S.Nu. 2007,c.15,s.177(Sch.,s.6(3)(a)), S.Nu. 2011,c.6,s.10.

## Write-offs of assets, debts or obligations

**82.** (1) A board may direct the write-off of an asset of a public agency or a debt or obligation owed to a public agency, in whole or in part, where

- (a) the amount to be written off does not exceed \$20,000; and
- (b) the board considers the asset, debt or obligation to be unrealizable or uncollectable.

## Limitation

(2) No person shall write off an asset of a public agency or a debt or obligation owed to a public agency, in whole or in part, that exceeds \$20,000, without the express authority of an Act for that write-off.

(3) **Repealed, R.S.N.W.T. 1988,c.98(Supp.),s.2.**

R.S.N.W.T. 1988,c.98(Supp.),s.2.

## Write-off of assets and liabilities of the Workers' Safety and Compensation Commission

**82.1.** Notwithstanding section 82, the Workers' Safety and Compensation Commission may direct the write-off of an asset of, or a debt or obligation owed to, the Workers' Protection Fund or the Commission in accordance with the *Workers' Compensation Act*. R.S.N.W.T. 1988,c.98(Supp.),s.3; S.Nu. 2007,c.15,s.177(Sch.,s.6(4)).

## Effect of write-off

**82.2.** A debt, obligation or part of a debt or obligation that is written off pursuant to section 82 or 82.1 is not satisfied or forgiven as a result of the write-off.

R.S.N.W.T. 1988,c.98(Supp.),s.3.

## Forgiveness of debts

**83.** No person shall forgive a debt or obligation owed to a public agency, in whole or in part, without the express authority of an Act for the forgiveness of that debt or obligation.

## Reporting write-offs

**84.** Any asset, debt or obligation written off under section 82 during the financial year that exceeds \$500 must be reported in the annual report of the public agency.

## Bank accounts

**85.** A public agency may maintain one or more accounts in its own name in one or more banks.

## Prohibition on guarantees and indemnities

**86.** (1) No person shall make a guarantee or indemnity for or on behalf of a public agency except in accordance with section 87.

## Effect of contravention

(2) A guarantee or indemnity made in contravention of section 87 is not binding on the public agency.

## Guarantee or indemnity on behalf of a public agency

**87.** (1) A board, with the approval of the Commissioner and the Financial Management Board and on behalf of the public agency, may, in writing, in a fiscal year, make

- (a) a guarantee, where the maximum aggregate liability under all outstanding guarantees made under this paragraph and subsection 67(1), calculated on a consolidated financial statement basis and excluding guarantees made on behalf of the Nunavut Housing Corporation, does not exceed 15% of the public revenues forecast in the Estimates for that fiscal year; or
- (b) an indemnity, where the maximum liability under the indemnity does not exceed \$500,000.

## Notice to members of the Legislative Assembly

(1.1) The Minister of Finance shall, at least 14 days before the Board approves the making of a guarantee having a maximum liability exceeding \$500,000, give notice to members of the Legislative Assembly in accordance with the regulations.

## Signing of guarantees and indemnities

(2) A document evidencing a guarantee or indemnity made by or on behalf of a public agency may be executed by the chief executive officer of the public agency.

S.N.W.T. 1997,c.24,s.3; S.N.W.T. 1998,c.11,s.6; S.Nu. 2005,c.3,s.3(2),

S.Nu. 2011,c.6,s.10.

## Definition of "debt"

**88.** (1) In this section, "debt" includes an existing debt, a future debt and a chose in action.

## Application

(2) This section does not apply to negotiable instruments.

#### Assignment of salary, wages or debt

(3) Subject to any other enactment, a public agency is not bound by an assignment by any person of salary, wages or a debt owed to that person by the public agency.

#### Exemption

(4) The chief executive officer of a public agency may, by consenting in writing to a particular assignment, exempt that assignment from the operation of subsection (3).

#### Financial duties of every board

**89.** Every board shall

- (a) ensure that the financial statements of the public agency are prepared for each financial year in accordance with section 97;
- (b) establish the form and content of financial records and accounting systems for the public agency in accordance with accepted accounting principles and practices; and
- (c) establish and maintain systems and procedures to ensure that
  - (i) all money belonging to or administered by the public agency is properly managed and accounted for,
  - (ii) all property belonging to or administered by the public agency is properly controlled, and
  - (iii) all payments of money belonging to or administered by the public agency are properly authorized.

#### Duty of care of members of the board and officers

**90.** (1) Every member of the board and every officer of a public agency, in exercising his or her powers and performing his or her duties, shall

- (a) act honestly and in good faith with a view to the best interests of the public agency; and
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

#### Duty to comply

(2) Every member of the board and every officer of a public agency shall comply with this Part, the regulations, any enactment governing the public agency, any by-laws of the public agency and any directive issued to the public agency under section 78.

#### Reliance on statements

(3) A member of the board or officer of a public agency is not liable for a breach of duty under subsection (1) or (2) if the member or officer relies in good faith on

- (a) financial statements of the public agency represented by an officer of the public agency, or in a written report of the auditor of the public agency, to fairly reflect the financial condition of the public agency; or
- (b) a report of a lawyer, accountant, engineer, appraiser or other person whose position or profession lends credibility to the report.

### Corporate plans

**91.** (1) Every territorial corporation shall annually submit a corporate plan for the approval of the appropriate Minister.

### Scope of corporate plan

(2) The corporate plan of a territorial corporation must encompass all its businesses and activities, including investments.

### Contents of corporate plan

- (3) The corporate plan of a territorial corporation must include a statement of
- (a) the object or purposes for which the territorial corporation is established;
  - (b) the objectives of the territorial corporation for the period to which the plan relates and for each year in that period;
  - (c) the strategy the territorial corporation intends to employ to achieve its objectives;
  - (d) the expected performance of the territorial corporation for the year in which the plan is required to be submitted as compared to its objectives for that year as set out in the last approved corporate plan or any approved amendment to it; and
  - (e) an evaluation of the efficiency, economy and effectiveness of the territorial corporation.

### Form of corporate plan

(4) The corporate plan of a territorial corporation must be prepared in a form that clearly sets out the information according to its major businesses and activities.

### Restriction on business or activity

(5) No territorial corporation shall carry on any business or activity in any period in a manner that is not consistent with the last approved corporate plan, or any approved amendment to it in respect of that period.

### Amendment to corporate plan

(6) Where a territorial corporation proposes to carry on any business or activity in any period in a manner that is not consistent with its last approved corporate plan or any approved amendment to it in respect of that period, the territorial corporation shall, before carrying on such business or activity, submit an amendment for the approval of the appropriate Minister.

### Operating budget - general

**92.** (1) Every public agency other than the Workers' Safety and Compensation Commission shall annually submit an operating budget for the following financial year for the approval of the Board.

**Operating budget - WSCC**

(1.1) The Workers' Safety and Compensation Commission shall annually submit an operating budget for the following financial year for the approval of the appropriate Minister.

**Scope of operating budget**

(2) The operating budget of a public agency must encompass all its businesses and activities.

**Form of operating budget**

(3) The operating budget of a public agency must be prepared in a form that clearly sets out the information according to its major businesses and activities. S.Nu. 2006,c.4,s.2; S.Nu. 2007,c.15,s.177(Sch.,s.6(3)(b)).

**Capital budget - general**

**93.** (1) Every public agency other than the Workers' Safety and Compensation Commission shall annually submit a capital budget for the following financial year for the approval of the Board.

**Capital budget - WSCC**

(1.1) The Workers' Safety and Compensation Commission shall annually submit a capital budget for the following financial year for the approval of the appropriate Minister.

**Scope of capital budget**

(2) The capital budget of a public agency must encompass all its businesses and activities.

**Approval of multi-year items**

(3) Any item in a capital budget that will require expenditures in more than one financial year may be approved

- (a) by the Board in the case of a capital budget submitted under subsection (1); or
- (b) by the appropriate Minister in the case of a capital budget submitted under subsection (1.1).

**Form of capital budget**

(4) The capital budget of a public agency must be prepared in a form that clearly sets out the information according to its major businesses and activities.

**Restriction on capital expenditures and commitments**

(5) No public agency shall incur, or make a commitment to incur, a capital expenditure in any financial year, unless

- (a) the expenditure or commitment is included in an approved capital budget; or

- (b) the public agency is a territorial corporation that has an approved corporate plan and the expenditure or commitment is, in the opinion of the board, essential to continue a current business activity of the public agency as set out in the approved corporate plan.  
S.Nu. 2006,c.4,s.3; S.Nu. 2007,c.15,s.177(Sch.,s.6(3)(c));  
S.Nu. 2009,c.7,s.3(3).

#### Amendments to budgets

**94.** Where a public agency anticipates that the total amount of its expenditures or commitments to incur expenditures in respect of any major business activity in a financial year will vary significantly from the total amount projected in its operating or capital budget for that year, the public agency shall

- (a) submit an amendment to the budget for the approval of
  - (i) the Board, in the case of a public agency other than the Workers' Safety and Compensation Commission, or
  - (ii) the appropriate Minister, in the case of the Workers' Safety and Compensation Commission; or
- (b) if the expenditure or commitment is required pursuant to an Act, give notice of the expenditure or commitment to
  - (i) the Board, in the case of a public agency other than the Workers' Safety and Compensation Commission, or
  - (ii) the appropriate Minister, in the case of the Workers' Safety and Compensation Commission.  
S.Nu. 2006,c.4,s.4; S.Nu. 2007,c.15,s.177(Sch.,s.6(3)(d)).

#### Effect of approval of corporate plan, operating budget and capital budget

**95.** The approval of a corporate plan, operating budget or capital budget or an amendment to a plan or budget under this Part is not an appropriation or authority to make a disbursement from the Consolidated Revenue Fund. S.Nu. 2006,c.4,s.5.

#### Annual report

**96.** Every public agency shall, for each financial year, prepare and submit to the appropriate Minister an annual report of the public agency that

- (a) states the activities of the public agency;
- (b) includes the financial statements of the public agency;
- (c) includes the report of the auditor; and
- (d) includes any other information that this Act, any other Act or the appropriate Minister may require.

#### Application

**97.** (1) Subsection (2) applies only to the extent of those financial transactions conducted by the public agency.

### Financial statements

(2) The financial statements of a public agency must be prepared in accordance with an appropriate disclosed basis of accounting and include

- (a) a balance sheet that presents fairly the financial position of the public agency as at the end of the financial year;
- (b) a statement of income that presents fairly the operating results for the financial year;
- (c) a statement of changes in financial position that presents fairly the changes in financial position for the financial year; and
- (d) any other notes that may be necessary to present fairly the information contained in the financial statements.

### Annual audit

**98.** The accounts of every public agency must be audited annually.

### Auditor

**99.** (1) The auditor of

- (a) a territorial corporation shall be the Auditor General or the nominee of the Auditor General; and
- (b) a public agency, other than a territorial corporation, must be approved by the appropriate Minister.

### Report of auditor

(2) The auditor shall report annually to the appropriate Minister on the results of the examination of the accounts and financial statements of the public agency and shall

- (a) state whether, in the opinion of the auditor,
  - (i) the financial statements present fairly the financial position as at the end of the financial year and the results of the operations and the changes in financial position for that year in accordance with an appropriate disclosed basis of accounting consistently applied,
  - (ii) proper books of account have been kept and the financial statements are in agreement with the books of account, and
  - (iii) the transactions that have come under the notice of the auditor are in accordance with
    - (A) this Act and the regulations,
    - (B) the Act establishing the public agency and any regulations made under it,
    - (C) any by-laws of the public agency, and
    - (D) any directives issued to the public agency under this Act; and
- (b) report on any other matter falling within the scope of the examination of the auditor that, in the opinion of the auditor, should be commented on.

## Powers of auditor

(3) The auditor may require any member of the board or any officer or member of the staff of the public agency

- (a) to produce all records kept in respect of the administration of the public agency; and
- (b) to provide the information and explanations that the auditor considers necessary.

## When annual report to be submitted

**100.** (1) Every public agency shall submit its annual report to the appropriate Minister not later than 90 days after the end of its financial year or an additional period, not exceeding 60 days, that the Minister of Finance may allow.

## Tabling of annual report of territorial corporations

(2) Each appropriate Minister shall lay a copy of the annual report of each territorial corporation before the Legislative Assembly at the first opportunity following the receipt of the annual report.

## PART X

## CIVIL LIABILITY AND OFFENCES

## Public money not accounted for

**101.** (1) Where the Minister of Finance has reason to believe that a person

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

the Minister of Finance may cause a notice to be served on that person or his or her personal representative requiring that person, within the time from the service of the notice that is stated in it, to pay over, apply or account for the public money in accordance with the notice, and to transmit to the Minister of Finance satisfactory evidence of having done so.

## Service of notice

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

## Statement of account

**102.** (1) If a person fails to comply with a notice served under section 101 within the time stated in the notice, the Minister of Finance may prepare a statement of the account between that person and the Government showing the amount of public money not duly

paid over, applied or accounted for, as the case may be, and may charge interest on the whole or any part of it at a rate and from a date as the Board may determine.

#### Evidence

(2) In any proceedings to recover the public money, a copy of the statement of account prepared by the Minister of Finance and certified as true by the Minister of Finance shall be admitted into evidence and is, in the absence of evidence to the contrary, proof that the amount stated in it and any interest charged is a debt due to the Government, without proof of the appointment or signature of the Minister of Finance.

#### Liability for lost public money

**103.** (1) Where the misconduct, wilful neglect of duty or gross negligence of a person responsible for handling public money results in a loss of public money to the Government, that person is liable for the amount of public money that is lost.

#### Recovery of lost public money

(2) The Government may recover the lost public money from the person who is liable for it as if the person had received it.

#### Where public property lost or destroyed

**104.** Where public property is lost or destroyed through the negligence of a public officer, the Minister of Finance may, in the prescribed manner, recover all or part of the loss from the public officer.

#### Offences and punishment

**105.** Every public officer or person acting in any office or employment connected with the collection, management or disbursement of public money or money that belongs to or is administered by a public agency who

- (a) without lawful authority receives compensation or reward for the performance of an official duty,
- (b) conspires or colludes with any other person to defraud the Government or a public agency, or makes opportunity for any person to defraud the Government or a public agency,
- (c) intentionally permits or enables a person to contravene this Act or the regulations,
- (d) wilfully makes or signs a false entry in any record, or wilfully makes or signs a false certificate or return when under a duty to make an entry, certificate or return,
- (e) having knowledge or information of
  - (i) the contravention of this Act or the regulations or any enactment respecting the public revenue by any person, or
  - (ii) a fraud committed by any person against the Government, under this Act or the regulations or any enactment respecting the public revenue,fails to report, in writing, that knowledge or information to any superior officer, or

- (f) without lawful authority, demands or accepts or attempts to collect, directly or indirectly, as payment or gift or otherwise, a sum of money, or other thing of value, for the compromise, adjustment or settlement of a charge or complaint for any contravention or alleged contravention of law,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding five years or to both.

#### General offence and punishment

**106.** Every public officer or other person who wilfully contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

## PART XI

### REGULATIONS

#### Regulations

**107.** The Commissioner, on the recommendation of the Board, may make regulations

- (a) respecting any matter referred to in subsection 4(1);
- (b) respecting the organization of and procedures for the Board;
- (c) respecting the collection, management and accounting of public money;
- (c.1) respecting the investment of money under subsection 57(1) or 81(1) including
  - (i) the diversification of such investments, and
  - (ii) the minimum standards of credit worthiness required of issuers of securities;
- (c.2) respecting agreements and transactions referred to in section 57.1, the manner in which they may be entered into and the conditions respecting any such agreements and transactions, including minimum standards of creditworthiness required of the other parties to the agreements and transactions;
- (d) respecting the keeping of financial records of the Government;
- (e) **repealed, S.N.W.T. 1998,c.21,s.7(3)**;
- (f) respecting the manner in which contracts, agreements or undertakings made by or on behalf of the Government or a public agency may be made, the conditions of any such contracts including the security to be given, and respecting any matter incidental to such a contract, agreement or undertaking;
- (g) exempting a contract or a class of contracts from the operation of any provision of this Act or the regulations;
- (h) respecting requisitions for disbursements and the manner in which disbursements are to be made;
- (i) respecting the powers and duties of accounting officers and expenditure officers;

- (j) respecting the acquisition, receipt, custody, issue, disposal and control of public property;
- (k) respecting the operation of a revolving fund in relation to methods of
  - (i) accounting,
  - (ii) charging and crediting a revolving fund, and
  - (iii) valuing inventory;
- (l) respecting the manner of recovery of all or any part of any loss or destruction of public property caused through the negligence of a public officer;
- (m) respecting guarantees and indemnities made by or on behalf of the Government or a public agency;
- (n) exempting any guarantee, indemnity or class of guarantee or indemnity from the operation of any provision of the regulations;
- (o) respecting the documents to be submitted in connection with a notice of assignment to the Government or a public agency and the forms and manner of completion of these documents;
- (p) respecting the delegation of powers and duties to public officers under section 13;
- (q) respecting the establishment, composition and duties of Boards of Survey;
- (r) respecting accountable advances;
- (s) exempting classes of assignments from section 69 or 88;
- (t) respecting working capital advances or revolving funds established pursuant to any Act;
- (u) prescribing any matter or thing that by this Act may or is to be prescribed; and
- (v) respecting any other matter that the Board considers necessary to carry out the purposes and provisions of this Act.  
S.N.W.T. 1999,c.2,s.5; S.N.W.T. 1998,c.21,s.7(3);  
S.Nu. 2006,c.4,s.6; S.Nu. 2006,c.7,s.4.

#### Regulations

**108.** The Commissioner, on the recommendation of the Minister responsible for a department or public agency, may make regulations respecting fees to be charged for services provided by the department or public agency to any person.  
S.N.W.T. 1998,c.21,s.7(4).

## SCHEDULE A

(Section 1)

1. All district education authorities, as defined in the *Education Act*, and all governing bodies of schools established under section 197 of that Act.
2. **Repealed, S.Nu. 2009,c.7,s.3(2).**
- 2.1. **Repealed, S.Nu. 2010,c.7,s.3.**
3. **Repealed, S.N.W.T. 1995,c.28,s.153(b).**
4. **Repealed, S.Nu. 2009,c.7,s.3(2).**
- 4.1. The Human Rights Tribunal established by the *Human Rights Act*.
- 4.2. The Inuit Uqausinginnik Taiguusiliuqtiit established by the *Inuit Language Protection Act*.
5. The Labour Standards Board established by the *Labour Standards Act*.
6. The Legal Services Board of Nunavut established by the *Legal Services Act*.
7. The Liquor Licensing Board established by the *Liquor Act*.
8. The Liquor Commission established under the *Liquor Act*.
- 8.1. The Qullit Nunavut Status of Women Council continued by the *Qullit Nunavut Status of Women Council Act*.
9. **Repealed, R.S.N.W.T. 1988,c.126(Supp.),s.18.**

R.S.N.W.T. 1988,c.55(Supp.),s.14; R.S.N.W.T. 1988,c.126(Supp.),s.18;  
 S.N.W.T. 1995,c.28,s.153; S.N.W.T. 1997,c.8,s.13(2); S.N.W.T. 1997,c.12,s.14;  
 S.N.W.T. 1999,c.6,s.3; S.Nu. 2005,c.3,s.3(3); S.Nu. 2009,c.7,s.3(2); S.Nu. 2010,c.7,s.3;  
 S.Nu. 2008,c.17,s.45.

SCHEDULE B

(Section 1)

1. Nunavut Arctic College as continued by the *Nunavut Arctic College Act*.
2. The Qulliq Energy Corporation and its subsidiaries established under the *Qulliq Energy Corporation Act*.
3. The Nunavut Housing Corporation continued by the *Nunavut Housing Corporation Act*.
4. The Nunavut Development Corporation continued by the *Nunavut Development Corporation Act*.
5. The Nunavut Business Credit Corporation established by the *Nunavut Business Credit Corporation Act*.

R.S.N.W.T. 1988,c.59(Supp.),s.29; R.S.N.W.T. 1988,c.107(Supp.),s.55;  
S.N.W.T. 1994,c.28,s.34.1; S.N.W.T. 1997,c.8,s.13(3); S.N.W.T. 1999,c.8,Sch.B,s.1;  
S.Nu. 2010,c.3,s.5; S.Nu. 2005,c.3,s.3(4); S.Nu. 2011,c.27,s.19(2).

SCHEDULE C (Section 1, subsection 81(3))

1. The Workers' Safety and Compensation Commission continued under the *Workers' Compensation Act*.

S.N.W.T. 1998,c.39,Sch.C,s.1; S.Nu. 2007,c.15,s.177(Sch.,s.6(5)).

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