

1980

# c 291 Ministry of Treasury and Economics Act

Ontario

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CHAPTER 291

Ministry of Treasury and Economics Act

1. In this Act,

Interpre-  
tation

- (a) "appropriation" means an authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;
- (c) "Deputy Treasurer" means the Deputy Treasurer of Ontario and Deputy Minister of Economics;
- (d) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (e) "minister" means a member of the Executive Council;
- (f) "ministry" means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (g) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,
  - (i) special funds of Ontario and the income and revenue therefrom,
  - (ii) revenues of Ontario,
  - (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and

(iv) money paid to Ontario for a special purpose;

(h) "public officer" includes a minister and a person employed in a ministry;

(i) "Treasurer" means the Treasurer of Ontario and Minister of Economics. 1978, c. 62, s. 1.

Ministry continued

**2.** The ministry of the public service known as the Ministry of Treasury and Economics is continued. 1978, c. 62, s. 2, *revised*.

Treasurer to have charge

**3.** The Treasurer shall preside over and have charge of the Ministry of Treasury and Economics and has power to act for and on behalf of the Ministry. 1978, c. 62, s. 3.

Seal

**4.—(1)** The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Mechanical reproduction of seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 1978, c. 62, s. 4.

Duties of Treasurer

**5.—(1)** The Treasurer shall direct and control the Ministry of Treasury and Economics, recommend to the Executive Council finance, economic, accounting and taxation policy, supervise, direct and control all finance, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Administration of Acts

(2) The Treasurer is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. 1978, c. 62, s. 5.

Deputy Treasurer

**6.—(1)** The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics who shall be the deputy head of the Ministry of Treasury and Economics.

Duties of Deputy Treasurer

(2) Under the direction of the Treasurer, the Deputy Treasurer shall perform such duties as the Treasurer may assign or delegate to him.

Delegation of powers and duties of Treasurer

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him, in writing, subject to such limitations, conditions and requirements as the Treasurer may set out in the delegation, to the Deputy Treasurer or to any officer of the Ministry of Treasury and

Economics who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation.

(4) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection (3) has the same effect as if made and signed by the Treasurer. 1978, c. 62, s. 6. Effect of R.S.O. 1980, c. 147

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Treasurer or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 1978, c. 62, s. 7. Idem R.S.O. 1980, c. 393

8. The responsibility for the conduct of the financial business of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry. 1978, c. 62, s. 8. Responsibility with head of ministry

9.—(1) The certificate or order of the Attorney General or Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person. Payment for special cases

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted Certificate of Attorney General or Deputy A.G.

for is final and conclusive and the account shall not be subject to any further examination. 1978, c. 62, s. 9.

Issue of cheques may be withheld

**10.**—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference to Management Board of Cabinet

(2) When the issue of a cheque has been withheld under subsection (1), the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination. 1978, c. 62, s. 10.

Information and access to records

**11.** Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians. 1978, c. 62, s. 11.

Fiscal year

**12.**—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for expenditures coming in course of payment during the fiscal year.

Lapse of appropriations

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. 1978, c. 62, s. 12.

Preparation of Public Accounts

**13.** The Public Accounts for each fiscal year shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year. 1978, c. 62, s. 13.

Payments authorized by Assembly

**14.** Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of

Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in. 1978, c. 62, s. 14.

**15.** Every person who is to examine the accounts or inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry. 1978, c. 62, s. 15. Oath of secrecy

**16.—(1)** A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any contract, order in council, security or other document being of a finance, economic, taxation, statistical or accounting nature shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

(2) A reference to the Treasurer of Ontario in any Act or regulation shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics. References to Treasurer of Ontario

(3) A reference to the Department of Treasury and Economics or a reference to the Ministry of Treasury, Economics and Intergovernmental Affairs in any contract, order in council, security or other document described in subsection (1) shall be deemed to be a reference to the Ministry of Treasury and Economics. 1978, c. 62, s. 16, *revised*. References to Ministry of Treasury, Economics and Intergovernmental Affairs

**17.** The Lieutenant Governor in Council may by order amend the Schedule. 1978, c. 62, s. 17. Power to amend Schedule

## SCHEDULE

*Audit Act*

*Farm Loans Act*

*Farm Loans Adjustment Act*

*Financial Administration Act*

*Gold Clauses Act*

*Ontario Economic Council Act*

*Ontario Education Capital Aid Corporation Act*

*Ontario Guaranteed Annual Income Act*

*Ontario Loan Act*

*Ontario Municipal Employees Retirement System Act*

*Ontario Municipal Improvement Corporation Act*

*Ontario Universities Capital Aid Corporation Act*

*Statistics Act*

*Supply Act*

1978, c. 62, Sched. 1; O. Reg. 408/79, s. 1, *revised*.