

OTHER AUDIT OBSERVATIONS

14.

ADDITIONAL APPROPRIATIONS

BACKGROUND

14.1 Every year the *Estimates*, representing the government's spending plans, are presented to the House of Assembly for review and approval. The *Estimates* are summarized in the Appropriations Act, which authorizes spending amounts (or votes) for the coming year.

14.2 The Provincial Finance Act provides Executive Council with the authority to approve adjustments to these spending plans in the form of additional appropriations. The Provincial Finance Act also permits Executive Council to approve special warrants when an expenditure, which was not provided for in the original *Estimates*, is urgently and immediately required.

14.3 Exhibit 14.1 on page 222 includes extracts from the Provincial Finance Act relating to additional appropriations and special warrants.

14.4 Section 9(2)(e) of the Provincial Finance Act requires that the *Public Accounts* include a summary listing of any additional appropriations or special warrants authorized for the fiscal year. Under Section 9A(1)(c) of the Auditor General Act, we are required to call attention to every case in which an appropriation was exceeded and every case in which a special warrant was made pursuant to the provisions of the Provincial Finance Act.

RESULTS IN BRIEF

14.5 The following are the principal results from our 2000 review of additional appropriations and special warrants:

- Additional appropriations totalling \$639,204,000 are required for the fiscal year ended March 31, 2000. None of these additional appropriations had received approval prior to March 31, 2000 (i.e., before the over-expenditures had been incurred). At the date of writing this chapter in early 2001, all are still awaiting approval by Order in Council.
- There was one special warrant approved for the 1999-2000 fiscal year.

SCOPE OF REVIEW

14.6 The objective of our annual review of additional appropriations and special warrants is to determine if they were properly authorized in accordance with the provisions of the Provincial Finance Act.

PRINCIPAL FINDINGS

Additional Appropriations

14.7 In our view, incurring expenditures before the necessary additional spending authority is in place may be contrary to the Provincial Finance Act and the Expenditure Control Act. Further, the

timing of these approvals impairs the effective control of and accountability for expenditures in excess of original spending authority limits.

14.8 A detailed listing of the status of all appropriations approved by the 1999 Appropriations Act can be found on Page 58 of the Public Accounts of Nova Scotia, Volume 1 - Financial Statements for the fiscal year 1999-2000. Several of these appropriations were exceeded and the sum of \$639,204,000 is required in the form of additional appropriations. As at the date of writing this chapter, the Orders in Council necessary to approve the additional appropriations have not been approved.

Special Warrants

14.9 We are required under Section 9A(1)(f) of the Auditor General Act to call attention to every case in which “*a special warrant, made pursuant to the provisions of the Provincial Finance Act, authorized the payment of money.*” The Provincial Finance Act allows the Executive Council to approve a special warrant, when the Legislature is not in session, which authorizes “*an expenditure which was not provided for by the Legislature*” and “*is urgently and immediately required for the public good.*”

14.10 A special warrant was approved on August 19, 1999 relating to expenditures for the 1999-2000 fiscal year. This warrant was required as the Appropriations Act had not been passed for the 1999-2000 fiscal year prior to the general election. The newly-elected government felt that departments might exceed the amounts authorized by Section 27(1) of the Provincial Finance Act prior to the passage of the Appropriations Act. Section 6 of the Appropriations Act 1999 approved on November 8, 1999 by the House of Assembly specifically rescinded this special warrant and included any amounts expended pursuant to that warrant in the amounts authorized by the Appropriations Act.

CONCLUDING REMARKS

14.11 Expenditure of funds beyond the votes or appropriations approved by the House of Assembly continued to occur prior to Executive Council approval required under the Provincial Finance Act.

14.12 Current legislation and administrative practices raise questions as to the effectiveness of the House of Assembly’s control over the expenditure of public funds. The practice of obtaining after-the-fact approval for additional appropriations does not necessarily constitute *effective control* and, we believe, may contravene the intent of statutory requirements in this regard.

14.13 The Department of Finance previously indicated that the determination of exact numbers is necessary to avoid seeking additional appropriations for minor amounts. If the objective is to ensure adequate controls over the spending authority are in place, forecasting should be used to determine the required additional appropriation. By using forecasting methods, the authority could be put in place prior to the incurrence of the expenditures thereby improving control over the expenditure process.

Exhibit 14.1**EXTRACTS FROM THE PROVINCIAL FINANCE ACT*****Prerequisite to issue of money***

13(2) *The Deputy Minister [of Finance], or an officer designated by him, before the issue of public money out of the Consolidated Fund, shall ensure that there is sufficient balance available in the appropriation for the specified purpose.*

Consequences of exhausted appropriation

13(3) *When an appropriation is exhausted, the Deputy Minister shall forthwith notify the department to which the appropriation was granted and the Minister, and shall not sanction any further contractual obligations or commitments to be charged to the exhausted appropriation.*

Suspension of right to commit

27(A) *The Governor in Council, upon the recommendation of the Minister, may order the suspension for such a period as the Minister deems fit of the right to commit any appropriation or part thereof except the salaries, wages and expenses of members of the public service, including the civil service, or the indemnities and expenses of the members of the House of Assembly.*

Report of insufficient appropriation

28(1) *When it appears to the Minister or principal officer having charge of a service that the sum appropriated by the Legislature for an ordinary or usual service is insufficient to meet the requirements of that service during the year for which the appropriation has been made or that the sum appropriated by the Legislature to be expended on capital account is insufficient for the service for which it was appropriated, the Minister or principal officer shall make a report of that fact to the Minister of Finance and shall in such report estimate the additional sum required to carry out the service.*

Supplementary appropriation

28(2) *Upon the receipt of such report, the Minister of Finance may make a report to the Governor in Council showing the need of additional appropriation and thereupon the Governor in Council may order that such additional sums as are deemed necessary for the said service be appropriated accordingly, provided that the additional sums appropriated to be expended on capital account shall not exceed twenty-five per cent of the amount appropriated by the Legislature for the service.*

Report of urgently required expenditure

29(1) *When it appears that an expenditure which was not provided for by the Legislature is urgently and immediately required for the public good, the head of the department concerned shall make a report of that fact to the Minister of Finance and shall in such report estimate the amount of the proposed expenditure.*

Special warrant

29(2) *Upon receipt of such report, the Minister may make a report to the Governor in Council that the said expenditure is urgently and immediately required for the public good, and that there is no legislative provision therefore, and the Governor in Council may thereupon order a special warrant to be prepared to be signed by the Lieutenant Governor for the issue of the amount estimated to be required, and may order the amount to be charged to Capital Account or to Current Account, or partly in one way and partly in the other.*

Conditions for special warrant while House in session

29(3) *A special warrant pursuant to the provisions of this Section shall not be made when the Legislature is in session unless the House of Assembly has not sat for any of the five days immediately preceding the issue of the special warrant.*