



2nd SESSION, 63rd GENERAL ASSEMBLY
Province of Prince Edward Island
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CHAPTER 66

(Bill No. 84)

An Act to Amend the Audit Act

Honourable Wesley J. Sheridan
Provincial Treasurer

GOVERNMENT BILL

MICHAEL D. FAGAN
Queen's Printer
Charlottetown, Prince Edward Island

CHAPTER 66

An Act to Amend the Audit Act

(Assented to May 15, 2009)

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 6 of the *Audit Act* R.S.P.E.I. 1988, Cap. A-24 is repealed and the following substituted:

6. (1) The Auditor General may appoint and employ such officers and employees as the Auditor General considers necessary for the proper conduct of the business of the Office of the Auditor General. Appointment of employees of the Office of the Auditor General

(2) Subject to the approval of the Committee, the Auditor General may determine the salaries or wages and the terms and conditions of employment of the officers and employees of the Office of the Auditor General. Salaries and terms and conditions of employment

2. The Act is amended by the addition of the following after section 6:

6.1 (1) On the coming into force of this section, all persons who, immediately before this section comes into force, Transfer of employees from civil service

(a) are employees in the civil service; and

(b) hold appointments, pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, as an officer or employee of the Office of the Auditor General,

cease to be employees in the civil service and are hereby transferred, without compensation, to the Office of the Auditor General.

(2) On the coming into force of this section, all of the positions within the civil service of the persons who are transferred under subsection (1) are transferred to, and become part of the establishment of, the Office of the Auditor General. Transfer of positions

(3) Any person who is transferred from the civil service to the Office of the Auditor General under subsection (1), is deemed, on the coming into force of this section, to hold within the Office of the Auditor General, the position that the person held immediately before his or her transfer under this section. Positions held on transfer

- No break in service (4) The transfer of any person from the civil service to the Office of the Auditor General under this section is deemed to occur without effecting a break in the service of that person.
- Continuation of terms and conditions of employment (5) All of the terms and conditions of employment of the persons who are transferred from the civil service to the Office of the Auditor General under this section, whether set by collective agreement, contract of employment, statute, regulation, policy or otherwise, shall continue in force as they were immediately prior to the coming into force of this section, until changed under section 6 or otherwise.
- Severance pay (6) For greater certainty, nothing in this section shall be construed as entitling any person to severance pay as a result of the transfer of that person from the civil service to the Office of the Auditor General.
- 3. Section 12 of the Act is repealed and the following substituted:**
- Engagement of expert assistance **12.** The Auditor General may engage the services of such counsel, consultants, accountants and other experts that the Auditor General considers necessary in order to carry out the Auditor General's functions under this Act.

CONSEQUENTIAL AMENDMENTS

- 4. (1) This section amends the *Civil Service Act R.S.P.E.I. 1988, Cap. C-8.***
- (2) Section 2 of the Act is amended**
- (a) by the addition of the word "and" after clause (a);**
- (b) in clause (b), by the deletion of the words "; and" and the substitution of a period; and**
- (c) by the repeal of clause (c).**
- (3) Clause 8(1)(c) of the Act is repealed.**
- (4) Clause 17(2)(b) of the Act is amended by the addition of the words "Office of Auditor General," before the agencies listed after the words "accepting a position with the".**
- (5) Clause 43(2)(b.1) of the Act is repealed.**

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<i>STAGE:</i>	<i>DATE:</i>
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