

Accounting for the Advocate's Office is performed by the Office of the Clerk of the House of Assembly. As a result of numerous accounting errors in the accounts of the Office of the Child and Youth Advocate, the expenditure details in the Province's Public Accounts are not correct. One of the errors resulted in a contravention of the *Financial Administration Act* which prohibits the issue of public money for purposes other than those authorized by the Legislature. Furthermore, the Advocate's Office was not always provided with sufficient information to enable the Office to monitor its expenditures.

2.2 Office of the Citizens' Representative

An Act respecting the appointment of a Citizens' Representative for the Province, having the powers traditionally conferred on an ombudsman, (the *Citizens' Representative Act*) was assented to on 24 May 2001 and came into force on 7 December 2001.

The Citizens' Representative is an Officer of the House of Assembly and reports to the Speaker of the House of Assembly. The Office of the Citizens' Representative mission is "...to act as an investigating body, ensuring decisions, acts or omissions by the Government of Newfoundland and Labrador are investigated in an analytical, impartial and timely manner for the citizens of Newfoundland and Labrador, when all other avenues of administrative appeal have been exhausted".

My audit of the Office of the Citizens' Representative identified a number of concerns relating to the operations of the Office. In particular, claims for private vehicle usage appeared excessive, private vehicle mileage was incorrectly claimed between the Citizens' Representative's permanent residence and the Office, there were inconsistencies related to private vehicle usage claims and traveling without authorization. In addition, there were management practice issues relating to such matters as cellular telephones and entertainment. Furthermore, there was an instance of non-compliance with the *Citizens' Representative Act* and another instance of non-compliance with the *Public Tender Act*.

Accounting for the Citizens' Representative Office is performed by the Office of the Clerk of the House of Assembly. As a result of numerous accounting errors in the accounts of the Office of the Citizens' Representative, the expenditure details in the Province's Public Accounts are not correct. Furthermore, the Office of the Citizens' Representative was not always provided with sufficient information to enable the Office to monitor its expenditures.

2.3 Creation of Crown Agencies and Borrowing without Authority

Crown agencies are generally created by the Legislature under some form of legislation to be an instrument for carrying out public policy on behalf of the Crown. This legislation generally provides authority and direction relating to the mandate, purpose, and responsibility of each entity.

On 16 December 2004, a *Transparency and Accountability Act* received Royal Assent. Pursuant to section 24 of the *Act*, it will come into force on a day to be proclaimed by the Lieutenant-Governor in Council. This *Act* provides direction relating to the creation of Crown agencies and borrowing by such entities.

Creation of Crown Agencies

Of the 82 Crown agencies which existed at 31 March 2004, 15 were created under the *Corporations Act* rather than by legislation enacted by the Legislature. If there is to be appropriate legislative control over the creation and operation of Crown agencies and if they are to be held accountable to the House of Assembly, then all Crown agencies should be created under the authority of the Legislature. An act of the Legislature would outline the mandate of a Crown agency and also state its purpose, authority and responsibility. In this way all Members of the House of Assembly would be aware of newly created Crown agencies.

Although the *Transparency and Accountability Act* requires that the Lieutenant-Governor in Council must provide approval for the incorporation of a corporation (Crown agency) under the *Corporations Act*, this does not provide legislative control over the creation and operation of these corporations.