

3.1 Introduction

Purpose of the Procedures Guide

This guide explains the process for preparing and submitting proposals to Executive Council and Treasury and Policy Board including how proposals are to be prepared, whether to use a Report and Recommendation to Executive Council (R&R) or a Memorandum to Executive Council, requirements for supporting documents, the submission process, timelines, central agency review, and the decision process.

Decision-making Powers of the Executive Branch of Government

The Executive Branch of government is generally referred to as the “government.”¹ Technically, the word government means the Lieutenant Governor, acting by and with the advice of the Executive Council, correctly referred to as the Governor in Council. The Executive Council exercises the formal executive powers of the Crown. Its formal actions are those of the Governor in Council (the Executive Council acting with the advice and consent of the Lieutenant Governor) and its recorded decisions are Orders in Council (an Order of the Lieutenant Governor acting by and with the advice of the Executive Council).

Executive Council, also known as Cabinet, may do only those things that are permitted by the House of Assembly² through legislation and, to a much lesser extent, those things that are permitted by way of prerogative power, such as making appointments. Executive Council makes key policy decisions, including:

- proposals for spending, taxing, and borrowing
- directing the administration and delivery of government programs
- proposing new legislation or amendments to existing legislation

These decisions, however, are subject to debate and vote by the Legislative Assembly. Subject to law, the Executive Council is free to organize the activities of the government in the manner best suited to attain its objectives, bearing in mind that the resulting actions should not run contrary to the general wishes of the electorate.

¹ For more information on the *Organization and Responsibilities of the Nova Scotia Government*, see #100 Management Guide, Chapter 2.

² For information on how the House of Legislative Assembly operates, see *The Nova Scotia Legislature: An Overview of Its Practices and Procedures*, December 2001. Information respecting the House of Assembly is available on the website at <www.gov.ns.ca/legislature>.

EXECUTIVE COUNCIL PROTOCOL

Executive Council, comprised of the Premier and ministers, is the decision-making authority of the Executive Branch of the Government of Nova Scotia. Executive Council is usually chaired by the Premier.

Executive Council and TPB discussions are confidential. The chair has several options in dealing with an agenda item—declare it “approved,” “approved with conditions,” “stood for the next meeting,” “referred to an Executive Council committee,” or “withdrawn.”

Key support staff are present at Executive Council meetings. At present, these normally include the Secretary to the Executive Council, the Clerk of the Executive Council, the Deputy Minister to the Premier, the Premier’s Chief of Staff, and the Premier’s Director of Communications. As well, senior departmental officials are sometimes invited to give presentations to Executive Council. While support staff may answer questions, they are not involved in the discussions or final decisions.

The decision-making process does not formally involve government backbench members. However, the Premier may ask that caucus members be consulted on appropriate matters before Executive Council makes a decision. Caucus is usually briefed on government decisions, and caucus members may take part in Executive Council committees.

COMMITTEES OF EXECUTIVE COUNCIL

Treasury and Policy Board (TPB), Legislative and Regulatory Review Committee, Economic Growth Committee, the Social Policy Committee and the Labour Relations Committee, are committees of Executive Council. The Premier has discretion to establish issues committees as needed.

Treasury and Policy Board

Treasury and Policy Board is a committee of the Executive Council charged with establishing plans and policies for the operation of the government of the Province and ensuring that they are implemented in a co-ordinated and fiscally responsible manner.

The Treasury and Policy Board is composed of the Chair (appointed by the Premier) and not fewer than four other members of the Executive Council as designated by the Governor in Council.

According to the Section 10 (2) of the *Public Service Act*, the Treasury and Policy Board shall act as a committee of the Executive Council on all matters relating to:

- development and implementation of plans and strategies for the effective administration and operation of government
- identification and prioritization of policy issues, selection of policy initiatives, and direction of action on policy issues and initiatives
- review and analysis of business plans of departments, offices, and government agencies and recommendations to the Executive Council on the allocation of financial and other resources to those departments, offices, and agencies
- establishment of values, standards, publicly-published policies, results, and targets for the administration, operation, management, and accountability of government, including areas related to human resources and information technology
- recommendations to the Executive Council on the broad structure and allocation of responsibilities to individual government departments, offices, and agencies, and approval of structures and functions within those departments, offices and agencies
- such other matters as are assigned to Treasury and Policy Board from time to time by the Governor in Council.

According to the Section 10 (3) of the *Public Service Act*, the Treasury and Policy Board

- a) may examine and report to the Executive Council on all matters related to the financial management, commitment of funds, and expenditure of funds provided by the Province to departments, offices and government agencies
- b) may examine, report, and direct on matters relating to the development, recommendation and execution of policies, programs and plans respecting the management of the internal operations of government, including administrative, expenditure, human resource and information technology policies
- c) may establish policies, procedures, and processes related to the commitment and expenditure of all monies provided by the Province, whether provided to departments or offices, as a public service vote, or to government agencies
- d) may establish reporting requirements to ensure the full reporting and accountability of departments, offices, and government agencies for the allocation of and results obtained by the use of financial, human, information technology, and capital resources

- e) may determine the management information systems to be used in the ongoing management and operation of departments, offices, or government agencies
- f) may take any action deemed appropriate to ensure the ongoing governance and operation of departments, offices, or government agencies is in compliance with this Act. 2001, c. 4, s. 42.

Legislative & Regulatory Review Committee

The Legislative & Regulatory Review Committee is a standing committee of Executive Council whose primary task is preparing and implementing the government's legislative agenda.

Specifically, the Legislative & Regulatory Review Committee is responsible for reviewing proposed legislation for policy compliance; ensuring a coordinated and comprehensive legislative regime; recommending the legislative agenda to Executive Council, and identifying document needs to support proposed legislation (see Appendix 3-A, How Legislation is Prepared and Enacted). The Committee also reviews and analyzes all proposed significant major regulations or amendments to regulations prior to their submission to the Executive Council for approval and to focus on reducing duplicative and unnecessary regulations.

The Committee reviews formal departmental requests for legislation, and may refer a Request to the assigned TPB analyst for staff assessment and advice before forwarding its recommendation to Cabinet on whether and when the request might go forward to the legislature. If there is a proposal for legislation that is new policy, the Committee may refer the matter to Treasury and Policy Board for analysis and approval before the Legislative & Regulatory Review Committee approves the Request for Legislation.

If the Committee tentatively approves a legislative proposal, the Legislative Counsel Office proceeds to prepare the draft legislation. The draft bill then goes back to the Legislative & Regulatory Review Committee for approval and finally to the Government caucus. Once the Committee determines the list of Government legislative priorities for the legislative session, the list is forwarded to Executive Council for approval. The Legislation Committee then sets the schedule for introduction of Government bills.

The membership of the Legislation Committee shall be comprised of such members of the Executive Council or the Government Caucus as the President of the Executive Council may determine.

The President of the Executive Council shall appoint a member of the Legislative & Regulatory Review Committee to be Chair of the Committee.

The Premier and Deputy Premier are *ex-officio* members of all Committees of the Executive Council.

The Deputy to the Premier, the Secretary to the Executive Council and the Chief of Staff to the Premier are *ex-officio* staff members of all Committees of the Executive Council.

Those members of the Legislative & Regulatory Review Committee who are not Executive Council members shall sign an Oath of Confidentiality.

Economic Growth Committee

The Economic Growth Committee is a committee of the Executive Council . It shall report to the Executive Council and its responsibilities shall be to review all matters as assigned by the Executive Council in regard to economic development, energy, regulatory affairs, skills development, tourism, natural resources, agriculture & fisheries, including the identification and prioritization of policy issues, selection of policy initiatives and the recommendation for action to the Treasury & Policy Board or the Executive Council.

The membership of the Economic Growth Committee shall be comprised of such members of the Executive Council or the Government Caucus as the President of the Executive Council may determine.

The President of the Executive Council shall appoint a member of the Economic Growth Committee to the Chair of the Committee.

The Premier and Deputy Premier are *ex-officio* members of all Committees of the Executive Council.

The Deputy Minister to the Premier, the Secretary to the Executive Council and the Chief of Staff to the Premier are *ex-officio* staff members of all Committees of the Executive Council.

Those members of the Economic Growth Committee who are not Executive Council members shall sign an Oath of Confidentiality.

Social Policy Committee

The Social Policy Committee is a committee of the Executive Council. It shall report to the Executive Council and its responsibilities shall be to review all matters as assigned by the Executive Council in regard to education, health, health promotion, culture, Acadian affairs, African-Nova Scotian affairs and community services, including the identification and prioritization of policy issues, selection of policy initiatives and the recommendation of directions of action on the former to Treasury & Policy Board or Executive Council.

The membership of the Social Policy Committee shall be comprised of such members of the Executive Council or the Government Caucus as the President of the Executive Council may determine.

The Premier and Deputy Premier are *ex-officio* members of all Committees of the Executive Council.

The Deputy Minister to the Premier, the Secretary to the Executive Council and the Chief of Staff to the Premier are *ex-officio* staff members of all Committees of the Executive Council.

The President of the Executive Council shall appoint a member of the Social Policy Committee to be Chair of the Committee.

Those members of the Social Policy Committee who are not Executive Council members shall sign an Oath of Confidentiality.

Labour Relations Committee

The Labour Relations Committee is a committee of the Executive Council. It shall report to the Executive Council and its responsibilities shall be to review all matters as assigned by the Executive Council in regard to timely and proper examination and management of civil service and public service labour relations issues that require approval of the Executive Council.

The membership of the Labour Relations Committee shall be comprised of the Chair of Treasury and Policy Board, who shall be the Chair of the Labour Relations Committee, the Minister responsible for the Public Service Commission, the Minister of Finance and such members of the Executive Council as the President of the Executive Council may determine.

The Premier and Deputy Premier are *ex-officio* members of all Committees of the Executive Council.

The Deputy Minister to the Premier, the Secretary to the Executive Council and the Chief of Staff to the Premier are *ex-officio* staff members of all Committees of the Executive Council.

Those members of the Labour Relations Committee who are not Executive Council members shall sign an Oath of Confidentiality.

Enquiries

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