

3.4 Memorandum to Executive Council

Proposals requiring policy decisions, but not requiring an Order in Council (OIC, Appendix 3-F) of the Governor in Council, are documented and submitted to the Executive Council office by the minister responsible in a Memorandum to the Executive Council (see Appendix 3-D).

A Memorandum to Executive Council must be completed by the department and signed by the minister responsible. It is used to seek approval for all significant policy decisions in government such as the following (see Transaction Guide, Appendix 3-P):

- major corporate policy
- major reorganization, restructuring
- business process re-engineering
- new programs (even if approved in budget)
- personal service contracts (if Treasury and Policy Board approval is required vs Governor in Council approval - see Chapter 3.3, Page 3-16, Report and Recommendation Requesting Approval for a Personal Contract for Senior Official)
- corporate administrative policies and procedures

We recommend that Memoranda to Executive Council be prepared by the department's officials who are familiar with the subject of the proposal. (See Chapter 3.2 Developing and Submitting Your Proposal). The deputy head will initial the memorandum next to his or her name on the first page of the document, signifying deputy head approval for the matter to move forward to the minister responsible.

The minister will sign and date the memorandum in the spaces provided on the last page of the Memorandum to Executive Council. Supporting documentation, including a briefing note and a communications plan, must be prepared and attached to the memorandum.

A completed memorandum, signed by the minister responsible, is forwarded to Executive Council Operations, TPB, where it is logged and forwarded to the TPB analyst for analysis before it is submitted to Executive Council or a Cabinet sub-committee for consideration.

A memorandum considered by the Executive Council is returned to the Secretary to the Executive Council, who prepares what is generally referred to as a Minute Letter, addressed to the minister responsible, confirming Executive Council's or TPB's consideration of the matter and its decision.

SUPPORTING DOCUMENTS

- Briefing Note (Appendix 3-K)
- Communications Plan (Appendix 3-B)

Note: All government information is subject to the *Freedom of Information and Protection of Privacy (FOIPOP) Act* (Appendix 3-L).

Briefing Note

Briefing notes (Appendix 3-K) are intended to provide a quick overview of the proposal for Executive Council. The briefing notes, and any other non-legal forms or schedules, are prepared by department staff.

Communications Plan

Communications plans (Appendix 3-B) are required with all proposals to Executive Council and TPB. The communications plan is intended to provide ministers with information on the communications impact of the request to be considered. The communications plan is prepared by department communications staff based on discussions with department staff and a review of the draft memorandum. The communications plan requires approval by the appropriate Communications Nova Scotia (CNS) managing director, the deputy minister, and minister.

Freedom of Information and Protection of Privacy (FOIPOP)

All government information is subject to the *Freedom of Information and Protection of Privacy (FOIPOP) Act*. There are some limited and specified exemptions to the rights of access (see Appendix 3-K). Care must be taken in the way in which information is formatted. Background sections of Executive Council documents should contain factual information only. They should not contain information that would a) reveal the substance of deliberations of Executive Council or any of its committees; and/ or b) reveal advice and recommendations.

Enquiries

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