

Chapter 3: Submissions to Executive Council

Table of Contents

Chapter 3: Submissions to Executive Council

3.1 Introduction.....	3-1
3.2 Developing and Submitting Your Proposal	3-9
3.3 Report and Recommendation to the Executive Council	3-13
3.4 Memorandum to Executive Council	3-21
3.5 Receipt of Proposals by Executive Council Office and Review by the TPB Office	3-23
3.6 Decisions of Executive Council	3-27
3.7 Instructions and Forms	3-29
3.8 Glossary of Terms	3-31

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

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

3.2 Developing and Submitting Your Proposal

WHO IS INVOLVED IN THE PROCESS

Proposals may emanate from any branch or division within a department.

DEPARTMENTAL POLICY UNIT

Prepare proposals in conjunction with your departmental policy staff. This ensures that submission procedures are properly followed and all policy issues identified.

DEPARTMENTAL COMMUNICATIONS STAFF

Inform the department communications staff of the possibility of moving forward with a proposal to Executive Council or Treasury and Policy Board (TPB) at the earliest possible stage. These early discussions identify important issues and will help to ensure accuracy and timeliness in the preparation of the required communications documentation. The communications plan (Appendix 3-B) must accompany each proposal and must be prepared by the department's communications staff. The department communications staff must also seek final approval of the communications plan from the appropriate Communications Nova Scotia managing director.

DEPARTMENT SOLICITOR

The solicitor reviews proposals for legal implications. The solicitor, working closely with department staff, usually prepares the Report and Recommendation to Executive Council (R&R, Appendix 3-C) under statutory authority and signs the R&R signifying approval as to form and authority.

FINANCE CORPORATE SERVICE UNIT

Prepare proposals that have a financial impact in conjunction with the department's finance Corporate Service Unit (CSU) or senior financial staff to ensure that the financial implications and the source of funding are identified. In the submission (R&R or Memorandum to Executive Council), departments are required to identify whether the funds for the proposal are in the budget, and if the proposal is not specifically covered in the budget, then there must be a statement describing the manner in which the department plans to fund the initiative. All R&Rs and Memoranda to Executive Council (Appendix 3-D) require a signature of the Director of Finance or other senior financial staff and no such documents will be considered by either the Executive Council or TPB without such signoff.

HUMAN RESOURCES CORPORATE SERVICE UNIT

Proposals must be reviewed by your HR Corporate Service Unit consultant to determine HR implications.

INFORMATION TECHNOLOGY CORPORATE SERVICE UNIT

Proposals must be reviewed by your IT Corporate Service Unit consultant to determine IT implications.

WORKING WITH THE DEPARTMENT OF FINANCE

Consult with the Department of Finance on the following issues before forwarding items to Executive Council and TPB:

See Transactions and Interactions Guide, Appendix 3-E.

- capital items
- approval for unappropriated financial transactions
- financial statements
- new department program spending
- lease arrangements
- loan arrangements/guarantees
- pension/LTD/PSA
- capital market activities
- investing activities
- cash management
- banking arrangements
- credit rating agencies
- analysts and investors
- tax policy
- revenue (including user fees)
- federal-provincial

APPROVAL FOR UNAPPROPRIATED FINANCIAL TRANSACTIONS

Section 59(c) of the *Provincial Finance Act* requires Governor in Council approval to enter into an unappropriated financial obligation. Departments must send the original R&R to the Policy and Planning Division, Department of Finance where the recommendation setting out the terms and conditions of, the reasons for, and the request for an authorization for the financial obligation is presented to the Minister of Finance. A copy of the R&R must be sent simultaneously to the Planning and Operations Manager, Treasury and Policy Board, for scheduling purposes. Upon

receipt of such recommendation, the Minister shall forward the recommendation (R&R) to the Governor in Council with his/her S. 59(c) report. Approval will result in an Order in Council (OIC, Appendix 3-F).

WORKING WITH THE DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

A member of Executive Council must have Governor in Council approval before entering into an agreement with the Government of Canada or the government of a province or agency thereof. (See *Public Service Act*, s.6.)

This does not apply in those cases where legislation provides the Minister with specific authority to enter into specific agreements, e.g., *Environment Act* s.47(1) respecting authority to enter into agreement for joint environmental assessment processes.

Before submitting a proposal to Executive Council that has intergovernmental implications (federal or other provincial and territorial governments—not municipal or Aboriginal governments), departments must consult with the Department of Intergovernmental Affairs. The outcome of the consultation must be documented in the formal submission (R&R or Memorandum) to Executive Council. If the subject of the document does not affect or involve the relationships, responsibilities, programs, or policies of the federal or other provincial and territorial governments, please indicate. If the subject may have different impacts on different government levels or different governments, please specify what these may be.

A check-list has been developed to assist departments in assessing whether to propose to Executive Council to enter into an agreement with the Government of Canada or the government of a province or agency thereof. This check-list is not Executive Council/TPB required documentation. It is a tool for departments. (See Appendix 3-G).

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

3.3 Report and Recommendation to the Executive Council

Examples of matters delegated by the Legislature in statutes to the Governor in Council are making regulations and making appointments to agencies, boards, and commissions (ABCs). Such matters are documented and submitted to the Executive Council office by the minister responsible in a Report and Recommendation to the Executive Council, commonly referred to as an R&R (See Appendix 3-C).

An R&R is required to effect an Order in Council (OIC, Appendix 3-F). The R&R should be prepared by the department officials who are familiar with the subject matter and understand the legislation being relied upon for authority to recommend a particular course of action to the Executive Council. Almost always, there must be legislative authority cited in the R&R for the action being recommended; only rarely will there be some precedent for the use of a prerogative power or authority.

The completed R&R must be approved by the department solicitor as to form and legal authority following corporate approval by the department. Any additional legal schedules and any other legal forms should also be drafted by the solicitor with support of department staff.

Report and Recommendation Requesting Regulations

The Registrar of Regulations will sign the R&R approving the regulations if they are in the form required by the registrar (to ensure consistent drafting form for regulations.)

The registrar returns the regulations to the department. The solicitor, on behalf of the Minister of Justice, will sign the R&R to approve the form and to approve statutory authority being relied upon in requesting the Executive Council and the Governor in Council to act.

The deputy head will initial the R&R next to his or her name on the first page of the document, signifying deputy head approval for the proposal to move forward to the minister responsible.

The minister will sign and date the R&R in the spaces provided on the last page of the R&R. Supporting documentation must be prepared and attached to the R&R. At this point the R&R is ready to leave the submitting department and be forwarded to Executive Council Operations, TPB. (See Appendix 3-H, How Regulations are Prepared.)

SUPPORTING DOCUMENTS

- Draft regulations
- Regulations Analysis Form (Appendix 3-I)
- Regulations (Red Tape Reduction) Criteria Checklist (Appendix 3-J)
- 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).

Regulations Analysis Form

A Regulations Analysis Form (Appendix 3-I) must accompany the R&R when it pertains to adding, amending, or repealing regulations. This form compares the proposed regulations to the current regulations section by section. The Regulations Analysis Form provides Executive Council with the before and after implications of the amendments.

Regulations (Red Tape Reduction) Criteria Checklist

For amendments to regulations or to propose new regulations, the Regulations (Red Tape Reduction) Criteria Checklist (Appendix 3-J) must accompany the draft regulations and be attached to the Regulation Analysis Form. The checklist is designed as a tool to assist departments as they are developing new regulations and for the ongoing review of regulations that impact business. It should cause departments to conduct rigorous policy assessment that includes consideration of the impacts and benefits of the proposal. The criteria checklist is not required for minor changes that do not reflect policy changes, e.g., housekeeping measures.

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 Treasury and Policy Board (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 R& R. The communications plan requires approval by the appropriate Communications Nova Scotia (CNS) managing director, the deputy head, 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-L). 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.

Report and Recommendation/Ministerial Appointment Form Requesting an Appointment to an Agency, Board, or Commission (ABC)

An R&R (Appendix 3-C) or Ministerial Appointment form (Appendix 3-M), requesting an appointment requiring the approval of the House of Assembly Standing Committee on Human Resources, must have attached to it a completed Form “A” (Appendix 3-N) and a Standing Committee on Human Resources Guidelines Form (Appendix 3-O). As always, a briefing note (Appendix 3-K) and a communication plan (Appendix 3-B) are also required.

All R&Rs and Ministerial Appointment forms must be signed by the minister responsible and submitted to Executive Council office for approval. All pertinent circumstances that make the request necessary should be recorded in the R&R or Ministerial Appointment form. This includes the name and address of the potential appointee and whether the appointee was nominated by a particular stakeholder group or is to be appointed due to his/her civil service position, etc. It also includes whether the appointment is a re-appointment, the relevant dates regarding the expiry of the previous appointment, the term of the new appointment, and the rationale for the length of term.

In the case of adjudicative boards, it should indicate that the appointee has been screened by the department’s advisory committee on adjudicative boards, and only the short list of the most qualified applicants was considered by the minister.

The third section of the R&R should contain the recommendation for the Governor in Council, leading to the exact form of Order being requested. For example:

“The Governor in Council, on the report and recommendation of the Minister of _____, dated _____, 20__, and pursuant to Section _____ of Chapter _____, Revised Statutes of Nova Scotia, 1989, the _____ Act, is pleased to... (insert appropriate wording for appointment requested, including name, address, term, remuneration, and any other relevant information)...effective _____, 20__”.

If a particular effective date is requested, it should be included in the form of Order. If the effective date is to be the date of the Order, the effective date should be noted as “date of Order.”

SUPPORTING DOCUMENTS

- Form “A” (Appendix 3-N)
- Standing Committee on Human Resources Guidelines (Appendix 3-O)
- Briefing Note (Appendix 3-K)
- Communications Plan (Appendix 3-B)
- applicants cover letter and resume

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

Form “A”

The Form “A” (Appendix 3-N) must be submitted with an R&R or Ministerial Appointment for appointments to ABCs that must be considered by the House of Assembly Standing Committee on Human Resources. This form provides background information on the potential appointee and the ABC. According to the Rules and Forms of Procedure of the House of Assembly, appointments to ABCs and ministerial appointments are reviewed by the Human Resources Committee with some exceptions as described in the Rules.

Standing Committee on Human Resources Guidelines

For those appointments that must be approved by the House of Assembly Standing Committee on Human Resources, the Human Resources Guidelines (Appendix 3-O) must be submitted. The form must be fully completed and “n/a” cannot be used as an answer to any question. All applications must include a resume.

When an appointment requiring approval of the House of Assembly Standing Committee on Human Resources is approved by Executive Council, the Clerk of the Executive Council signs and dates the Form “A” indicating Executive Council Approval and forwards the Form “A,” the Human Resources Guidelines form, and applicant’s cover letter and resume to the House of Assembly Standing Committee on Human Resources. The standing committee has jurisdiction to approve or not approve the candidate(s) recommended for appointment.

When the standing committee approves a candidate for appointment, the chair of the standing committee signs Form “A” indicating approval and returns all documents to the Clerk of the Executive Council. The clerk will then (a) prepare the Order requested by the R&R and process it for signature by the Lieutenant Governor, or (b) the Ministerial Appointment is complete and a Ministerial Order number is assigned.

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) must accompany 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 R&R. The communications plan requires approval by the appropriate CNS managing director, the deputy head 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-L). 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.

Report and Recommendation Requesting Approval for a Personal Services Contract for Senior Official

Subsection 15(2) of the *Public Service Act* requires Governor in Council (GIC) or TPB approval of terms and conditions of all personal services contracts. TPB and the Public Service Commission are preparing regulations under section 15(2) of the *Public Service Act* to clarify the approval process. Until these regulations are in place, a two-step approval process is required for personal services contracts for senior officials with a base salary of \$75,000 or greater. This also applies to renewals or extensions of any existing contracts.

Step 1

If a department, office, or Crown corporation wishes to enter into a personal services contract for a senior official, Executive Council must approve the position before it is posted, advertised, or the interview and selection process is initiated. (Requires a Memorandum to Executive Council and supporting documentation).

Step 2

If approval is granted, before entering into any agreement, the proposed contract must be submitted to Executive Council or TPB via Memorandum to Executive Council (Appendix D) with supporting documentation for formal approval of the final contract. (For Governor in Council approval, an R&R and supporting documentation including the proposed contract is required).

SUPPORTING DOCUMENTS

- Briefing Note (Appendix 3-K)
- Communications Plan (Appendix 3-B)
- Proposed Personal Services Contract (Step 2)

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 R&R. The communications plan requires approval by the appropriate CNS managing director, deputy head, and minister.

Proposed Personal Services Contract

The proposed contract should specify the purpose of the personal services contract, expected deliverables, as well as the terms and conditions of the contract.

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-L). 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

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

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

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

3.5 Receipt of Proposals by Executive Council Office and Review by the TPB Office

Upon final review and approval by the deputy head and signature by the minister, proposals are forwarded to Executive Council Operations, TPB. The Executive Council Operations branch logs the submission and forwards it to the TPB analyst for staff analysis.

Working with your TPB Analysts

The TPB analyst assesses the proposal against a series of criteria including the following:

- consistency with government's framework of strategic priorities (such as Economic Growth Strategy, Energy Strategy, etc.)
- consistency with the corporate agenda (e.g., Blueprint, Throne Speech)
- the effectiveness of the recommended option in addressing the problem/opportunity
- cost/benefits
- financial/budgetary implications
- human resources/information technology implications
- legal/legislative/jurisdictional/environmental ramifications
- impact on stakeholders
- public perceptions
- implementation issues, timing
- consideration of other options

Assignments of TPB analysts will change periodically and the TPB office will forward updates as necessary.

The process works best when there is a good working relationship between the department and the TPB analysts. The TPB analysts should be kept informed of important issues on the horizon for the department. This could involve such mechanisms as periodic attendance at departmental senior management meetings, or a regularly scheduled meeting of the TPB analysts and senior departmental management.

It is also highly recommended that proposals to Executive Council and/or TPB on major issues are forwarded to the assigned TPB analyst while in draft form. This helps to streamline the process.

The TPB analyst, in consultation with the TPB Director of Communications, will review the communications plan (Appendix 3-B) submitted with the proposal. The TPB Director of Communications may then consult with the appropriate Communications Nova Scotia (CNS) managing director regarding any concerns or required amendments.

The TPB analyst may also consult with the department's Finance Corporate Service Unit (CSU) and the Department of Finance if additional clarification is required on financial issues even though the Finance CSU had previously reviewed the financial impact sections of the proposal. TPB analysts may also consult other departments and central agencies as necessary.

Finally, the TPB analyst will complete his/her Staff Assessment (Appendix 3-Q).

The assessment concludes with the analyst's recommendation to Executive Council and/or TPB. If the TPB analyst is recommending changes or is not recommending the department's proposal, the analyst will advise the department staff who prepared the proposal and the deputy head. Before this takes place, the TPB analyst will make every effort to work with the department to provide advice and guidance on preparation of the proposal and will attempt to come to a mutual understanding and possible resolution of any outstanding issues.

The assigned TPB analyst is responsible for updating the department on the status of Executive Council submissions, including advice regarding whether and when a proposal is ready to be forwarded to Executive Council or TPB.

Deciding Where Proposals Go

Once a submission is received at the TPB office, it is assigned to an analyst who prepares the staff assessment. The Secretary to the Executive Council reviews the proposal and staff assessment and determines whether the proposal requires Executive Council approval or whether it is a TPB item. The Transaction Guide (see Appendix 3-P) facilitates this determination. (See Chapter 3.1 Types of Decisions.)

Executive Council and Treasury and Policy Board Requirements

Submissions to Executive Council and TPB, complete with all supporting documentation, are required 10 working days in advance of the Executive Council or TPB meeting. This ensures sufficient time for analysis, briefings, and preparation time.

Walk-ins to Executive Council and TPB are discouraged. Walk-ins should be the exception rather than the rule and therefore very infrequent. Walk-in items to Executive Council or TPB will only be accepted if they are essential items and prior permission has been authorized by the Chief of Staff in the Premier's Office and the Chair of Treasury and Policy Board. Also, the relevant and signed documentation must be provided to the Executive Council Operations, TPB, in advance of the applicable meeting. Further, the minister must provide copies of the documentation to his/her colleagues at the Executive Council or TPB meeting.

For very detailed, complicated, or pressing issues, a presentation to Executive Council or TPB may be required. If it is determined that a presentation will be made, the appropriate TPB analyst will confirm this with the department staff and the deputy minister.

The presentation will generally be made by the department's deputy head with one or two other senior officials present to assist. A copy of the presentation overheads must be submitted to the TPB office at least three business days before the scheduled presentation. It then becomes part of the official documentation. Presentations should be limited to no more than fifteen minutes, after which there may be a question period.

The presentation should be succinct and contain all of the following:

- a statement of the issue/problem to be addressed
- a summary of the background
- key issues/challenges
- financial implications
- human resources and information technology implications
- stakeholder concerns
- alternatives/options
- a recommended option
- implementation plan and timelines

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

3.6 Decisions of Executive Council

Decision Process on Report and Recommendation

- A Report and Recommendation (R&R, Appendix 3-C) approved by the Executive Council is evidenced by the initials of the Secretary to the Executive Council and the date on which it was approved. Having been approved by the Executive Council or withdrawn from its agenda, it will be returned to the Clerk of the Executive Council.
- Matters which are stood on the agenda will remain until they are either approved or withdrawn.
- An R&R which has been withdrawn from the Executive Council agenda will be returned by the Clerk of the Executive Council to the submitting minister.
- With respect to an R&R approved by the Executive Council, the Clerk of the Executive Council will prepare the requested Order for signature of the Lieutenant Governor. The clerk will obtain the signatures of a quorum of ministers of the Executive Council on such Orders before taking them to the Lieutenant Governor for signature. In the absence of the Lieutenant Governor the Administrator of the Government of Nova Scotia (currently the Chief Justice of Nova Scotia), as provided by Section 67 of the *Constitution Act, 1867*, will sign such Order.

Decision Process on Proposed Regulations

Once the regulations have been made or approved by the Lieutenant Governor, the Order in Council (OIC, Appendix 3-F), the regulations, and, if applicable, the Order of the minister or regulation-making body are returned to the Registrar of Regulations for filing and publication in the next issue of the Royal Gazette Part II.

Decision Process on Proposed Appointments to an Agency, Board, or Commission (ABC)

Upon approval by the Executive Council, the Form “A” (Appendix 3-N) attached to the R&R is signed and dated by the Secretary to the Executive Council, indicating Executive Council approval of the requested appointment, and the R&R returned to the Clerk of the Executive Council. Upon receipt, the Clerk of the Executive Council will separate the Form “A” and Human Resources Guidelines (Appendix 3-O) form from the R&R and forward them along with the applicant’s cover letter and resume to

the House of Assembly Standing Committee on Human Resources for its consideration of the names of the candidates for an appointment. The committee has jurisdiction to approve or not approve the names of the candidates for appointment.

When the committee approves a candidate for appointment, the chair of the committee signs the Form "A," indicating the committee's approval and returns the Form "A" to the Clerk of the Executive Council. Upon receipt, the clerk prepares the Order requested in the R&R and processes it for signature by the Lieutenant Governor or Administrator, as described above. If the appointment is made by a Ministerial Appointment, the appointment is complete and a Ministerial Order number is assigned.

If the committee does not approve a candidate for appointment, the chair of the Committee stamps the Form "A" "NOT APPROVED" and returns it to the Clerk of the Executive Council who, in turn, returns it to the minister.

Note: Although ministerial appointments do not require Executive Council approval, departments submit them for approval.

Decision Process on Memorandum to Executive Council

Executive Council or TPB considers the proposal and the Secretary to the Executive Council prepares the Minute letters to reflect decisions taken by Executive Council or TPB. The Minute letter indicates one of the following decisions was taken:

- approved
- approved with conditions, which are detailed
- withdrawn
- stood, in which case further instruction could be provided to the submitting department
- referred to an Executive Council committee

All Minute letters are forwarded to the minister and deputy head of the submitting department(s) and copied to the TPB corporate analyst who prepared the staff assessment.

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

3.7 Instructions and Forms

General Formatting Rules for All R&Rs, Memoranda, Ministerial Appointment Forms, and Supporting Documents

- Arial font should be used
- The titles of the proposals should be in Arial 14-20
- The main part of the proposals and related attachments should be in Arial 11 to 12 as necessary
- Margins may be adjusted as required
- The overall length of the proposal is dependent on the complexity of the issue/action. The proposal should provide substantive information to clearly describe the issue/action to Executive Council and allow Executive Council to make an informed decision. At the same time, information should be presented concisely.

Timeline

Submissions to Executive Council and TPB, complete with all supporting documentation, are required 10 working days in advance of the Executive Council or TPB meeting. This ensures sufficient time for analysis, briefings, and preparation time.

To avoid time delays, prepare proposals in the appropriate format, at the necessary level of detail, accompanied by the required documents (briefing note, communications plan, and supporting documents), and approved/signed by the minister.

There may be extenuating circumstances that require the review to be expedited and all participants involved will attempt to accommodate this requirement. Other priorities may be brought forward making an immediate review difficult or impossible. In other circumstances, scheduling may be difficult and the time line may be extended.

Appendices

Appendix 3-A	How Legislation is Prepared and Enacted
Appendix 3-B	Communications Plan
Appendix 3-C	Report and Recommendation to the Executive Council
Appendix 3-D	Memorandum to Executive Council
Appendix 3-E	Transactions and Interactions Guide
Appendix 3-F	Sample of Order in Council
Appendix 3-G	Intergovernmental Agreements Assessment Checklist
Appendix 3-H	How Regulations are Prepared
Appendix 3-I	Regulations Analysis Form
Appendix 3-J	Regulations (Red Tape Reduction) Criteria Checklist
Appendix 3-K	Briefing Note
Appendix 3-L	Intent of the <i>Freedom of Information and Protection of Privacy Act</i>
Appendix 3-M	Ministerial Appointment Form
Appendix 3-N	Form "A"
Appendix 3-O	Standing Committee on Human Resources Guidelines
Appendix 3-P	Transaction Guide
Appendix 3-Q	Treasury and Policy Board Staff Assessment
Appendix 3-R	Template for Corporate Administrative Policy Submissions
Appendix 3-S	Memo to Executive Council - Request for Legislation

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

3.8 Glossary of Terms

ADJUDICATIVE BOARD

An adjudicative board is an agency, board, or commission that has quasi-judicial functions. These functions include taking evidence, making findings of fact and law, and making decisions that can affect a person's liberty, security, or legal rights. There are over 30 adjudicative boards ranging from the Regional Assessment Appeal Board to the Psychiatric Facilities Review Board.

AGENCIES, BOARDS, AND COMMISSIONS

Organizations designated as an agency, board, or commission (ABC) by their enabling legislation or by Order in Council.

BRIEFING NOTE

A quick overview of a proposal, Report and Recommendation or Memorandum to Executive Council, prepared by departmental staff.

CABINET

The common name used in place of Executive Council.

CABINET MINISTERS

Members from the governing party, as selected by the Premier, make up Cabinet. Each minister is responsible for a portfolio or department, agency, board, or commission, and participates in making government policy decisions. Ministers are responsible in law and accountable to the legislature for certain actions taken in departments.

CAUCUS

The group of elected MLA's belonging to a political party. A closed meeting of the members of a political party within a legislative body to decide upon questions of policy and the selection of candidates for office.

CCRA

Canada Customs Revenue Agency

CHST

Canada Health and Social Transfer

CLERK OF EXECUTIVE COUNCIL

Person appointed to ensure that submissions to Executive Council meet legal requirements, prepares, and processes Orders in Council and works with departments on Executive Council matters.

COMMUNICATIONS PLAN

A document intended to provide ministers with information on the communications impact of a request being considered.

CORPORATE SERVICE UNIT

In March 1996, the government integrated corporate service functions, such as human resources, finance and administration and MIS. Previously, most departments had their own units. With the reorganization, eight corporate service units currently serve departments and agencies. (*Press Release - March 7, 1995*)

CROWN CORPORATION

A body corporate with legal power and capacity to carry on an industrial, financial or other commercial enterprise. These organizations are designated as Crown Corporations by their enabling legislation, by Order in Council, or by application of the criteria established under Section 70 of the *Provincial Finance Act*.

DEPUTY HEAD

“Deputy head” means the deputy of the member of the Executive Council presiding over a department and all others whom the Governor in Council from time to time designates as having the status of deputy head.

DEPUTY MINISTERS

Deputy Ministers are appointed by Order in Council as the chief administrative officers of departments who work under the direction of the Minister and who perform duties assigned by the Governor in Council. The deputy minister is responsible for managing the day-to-day operations of the department as well as administering a department composed of non-partisan professional civil servants who carry out the policies and programs of government.

DEPUTY MINISTER TO THE PREMIER

The Deputy Minister to the Premier assists the government in defining its objectives and priorities, oversees the development of policies consistent with these priorities, and acts as a liaison on these matters with government departments. This Deputy Minister is the Head of the Public Service and serves as a formal link between Cabinet and the public service. (See also *Head of the Public Service*.)

EXECUTIVE BRANCH

Generally referred to as government.

EXECUTIVE COUNCIL

The decision-making authority of the Executive Branch of the Government of Nova Scotia.

EXECUTIVE COUNCIL OFFICE

The Executive Council Office is the Cabinet secretariat reporting directly to the Premier and Cabinet. (also see definitions for *Clerk of the Executive Council* and *Secretary to the Executive Council*)

FORM “A”

Form “A” is authorized by the Terms of Reference for the Human Resources Committee of the House of Assembly. This form clarifies the background and qualifications of each individual proposed to be appointed to an agency, board, or commission.

GOVERNOR IN COUNCIL

The Executive Council acting with the advice and consent of the Lieutenant Governor.

HEAD OF THE PUBLIC SERVICE

The Deputy Minister to the Premier is also the Head of the Public Service. This person provides leadership of the public service and oversees and evaluates the work of all deputies.

HOUSE OF ASSEMBLY

Those elected members who sit in the legislative chamber in Province House. The members of the House of Assembly (MLAs) are elected at a provincial general election.

LEGISLATION COMMITTEE

A standing committee of the Executive Council tasked with preparing and implementing the government’s legislative agenda. It is chaired by the Minister of Treasury and Policy Board. The Legislation Committee reviews formal departmental requests for legislation and the committee provides analysis and recommendations on whether and when they might go forward to the legislature. Proposed legislation may be referred to Treasury and Policy Board for consideration and approval.

LIEUTENANT GOVERNOR

The Lieutenant Governor is the Queen's representative in Nova Scotia. The Lieutenant Governor gives Royal Assent to all bills passed by the Legislature before they become law, and also signs other official documents, such as proclamations, land patents, appointments of persons to government posts, including deputy ministers, provincial judges, members of agencies, boards, and commissions, and crown attorneys. At the opening of a Session of the Legislature, the Lieutenant Governor reads the Speech from the Throne. Discretionary powers of the office also include the finding and appointment of a First Minister (the Premier), and the swearing in of the members of the Cabinet—the Ministers of the Crown.

MEMORANDUM TO EXECUTIVE COUNCIL

A Cabinet document which sets out proposals requiring policy decisions, but not requiring an Order in Council of the Governor in Council. This item does not generate a public document. Upon approval of a Memorandum to Executive Council/ Memorandum to Treasury and Policy Board, a Minute Letter is prepared and sent to the Minister who presented the document to Cabinet for its consideration.

MINISTERS

Members of the Executive Council appointed to preside over a department pursuant to the *Public Service Act*.

MINISTERIAL APPOINTMENT FORM

A Cabinet document used to appoint a person to a Ministerial board by the Minister responsible. A Ministerial board is one in which a Minister has sole authority for appointing persons to that board. There is not a formal, public document generated as a result of a Ministerial Appointment. The Ministerial Appointment Form is simply assigned a number (ex.: M33-2003) and the appointment is complete. Although not requiring Cabinet approval, the Ministerial Appointment does appear on the Cabinet Agenda as an information item only. There are approximately, at present, 78 Ministerial boards.

ORDER IN COUNCIL

An Order of the Lieutenant Governor acting by and with the advice of the Executive Council. An Order in Council is issued as a result of the approval of a Report and Recommendation.

PREROGATIVE POWER

An exclusive right or privilege held by a person or group, especially a heritage or official right.

PRO FORMA

As a matter of, or according to, form.

PROCLAMATION

An official public announcement.

PUBLIC SERVICE ENTITIES (PSE)

Those government entities set forth in the Public Service Vote section of the Provincial Estimates.

REGISTRAR OF REGULATIONS

The Registrar is under the control and direction of the Minister of Justice; and responsible for the recording, numbering and indexing of all regulations filed with him/her and for the publication thereof in accordance with the *Regulations Act.* (R.S., c. 393, s. 14.)

REPORT AND RECOMMENDATION TO EXECUTIVE COUNCIL (R&R)

A Cabinet document in which matters are presented to the Executive Council for their consideration. Upon approval, an Order in Council is issued authorizing the action requested in the Report and Recommendation.

SECRETARY TO EXECUTIVE COUNCIL

Person appointed to be responsible for establishing the agenda and the business of Cabinet.

SPEECH FROM THE THRONE

Delivered by Lieutenant Governor in a ceremonial opening of the House, the Speech from the Throne is written by the government and states the government's program in very general terms. (See *The Nova Scotia Legislature - an Overview of its Procedures and Practices*)

STATUTE

A law enacted by a legislative body and formally recorded in writing.

TREASURY AND POLICY BOARD

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.

TREASURY AND POLICY BOARD OFFICE

Headed by a deputy minister, the office provides policy and financial analysis to support Executive Council and its Cabinet committees to fulfill the statutory responsibilities of a central government agency.

WALK-INS

R&Rs and Memoranda that go directly to Executive Council for approval without going through the assessment process at Executive Council and Treasury and Policy Board offices.

Appendices

Appendix 3-A	How Legislation is Prepared and Enacted
Appendix 3-B	Communications Plan
Appendix 3-C	Report and Recommendation to the Executive Council
Appendix 3-D	Memorandum to Executive Council
Appendix 3-E	Transactions and Interactions Guide
Appendix 3-F	Sample of Order in Council
Appendix 3-G	Intergovernmental Agreements Assessment Checklist
Appendix 3-H	How Regulations are Prepared
Appendix 3-I	Regulations Analysis Form
Appendix 3-J	Regulations (Red Tape Reduction) Criteria Checklist
Appendix 3-K	Briefing Note
Appendix 3-L	Intent of the <i>Freedom of Information and Protection of Privacy Act</i>
Appendix 3-M	Ministerial Appointment Form
Appendix 3-N	Form “A”
Appendix 3-O	Standing Committee on Human Resources Guidelines
Appendix 3-P	Transaction Guide
Appendix 3-Q	Treasury and Policy Board Staff Assessment
Appendix 3-R	Template for Corporate Administrative Policy Submissions
Appendix 3-S	Memorandum to Executive Council - Request for Legislation – Amendments to * Act or new * Act

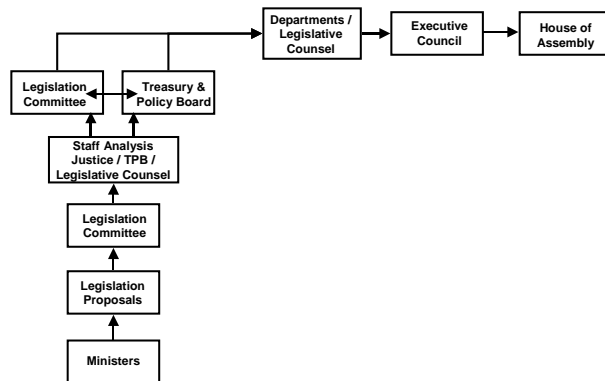
Appendix 3-A

How Legislation is Prepared and Enacted

Legislative proposals are processed through the Executive Council's legislation committee. The legislation 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.

The membership of the legislation committee comprises 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 legislation 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 legislation committee who are not Executive Council members shall sign an Oath of Confidentiality.

Decision Making Process – Legislation Proposals



This chart illustrates how the decision-making process works for legislative proposals. Prior to each legislative session, the legislation committee makes a call for legislative proposals to all departments. For each legislative proposal, the department submits a Request for Legislation signed by the Minister and Deputy Minister in the form prescribed by the legislation committee. The legislation committee considers each Request for Legislation and determines whether to approve the Request for drafting for the upcoming session. Once a request is approved for drafting, a lawyer in the Office of Legislative Counsel is

assigned to the file and working with the Department, a draft bill is prepared. The draft bill then goes back to the legislation committee for approval and finally to the government caucus for approval.

Once the legislation 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 legislative agenda is tabled in the House of Assembly, and each bill goes through a process of three readings and debate.¹

¹See *The Nova Scotia Legislature: An Overview of Its Practices and Procedures*, December 2001 pp. 11-20. Information respecting the House of Assembly is available on the website at <<http://www.gov.ns.ca/legislature>>.

First Reading

The first stage in the legislative process is the introduction of a bill in the House of Assembly by a member of the Assembly. During the daily routine with which each day in the House begins, under the item "Introduction of Bills," a member wishing to introduce a bill, upon recognition by the Speaker, rises to introduce "a bill entitled (title of bill)." Unless the bill is ruled out of order (for example, only a minister of the Crown may introduce a money bill), the bill is assigned a number by the Clerk of the Assembly, is printed and distributed to all the members, and is placed on the order paper under the heading bills "For Second Reading." A bill may not be introduced unless it has been approved as to form by the Legislative Counsel. The stamp and signature of the Legislative Counsel appears on the cover of the original bill. The pro forma bill introduced at the opening of each session is not assigned a number, is not placed on the order paper, and is not dealt with further. The annual appropriations bill has its own special procedure.

Second Reading

The next stage is for the bill to be called for second reading. Except by unanimous consent, second reading may not begin until the bill has been printed and distributed to the members and this has been signified on the order paper. The second reading debate is a debate on the principle of the bill. No amendments may be made to the bill at this stage.

Standing Committees

If the bill is passed at the second reading, it is automatically referred by the Speaker to either the Law Amendments Committee or the Private and Local Bills Committee. Government bills and private member's bills are referred to the Law Amendments Committee and private bills and local bills are referred to the Private and Local Bills Committee. The two standing committees hold public hearings on the bills referred to them. Each committee considers all written and oral submissions made to it. In the case of a government bill, the Law Amendments Committee may also receive, after the public hearings have concluded, a written recommendation from the minister of the Crown who introduced the bill. The committee decides upon any changes to the bill that it wishes to recommend to the House of Assembly and the chair of the committee reports the bill back to the House or, infrequently, the committee decides not to report the bill back. The bill may be reprinted at this stage, showing the changes recommended by the committee.

Committee of the Whole House on Bills

Upon a bill being reported back to the House of Assembly by a standing committee, it is automatically committed to the Committee of the Whole House on Bills. The committee subsequently considers the bill clause by clause. In doing so, the Committee of the Whole considers any changes recommended by the Law Amendments Committee or the Private and Local Bills Committee, as the case may be, and makes any changes to the bill it wishes to make, whether or not recommended by the standing committee that considered the bill. The Committee of the Whole may then report the bill back to the House.

Upon a bill being reported back to the House of Assembly by the Committee of the Whole House on Bills, the bill is placed on the order paper under the heading bills "For Third Reading."

Third Reading

The next stage is for the bill to be called for third reading. Unless the House of Assembly orders third reading to begin immediately, third reading takes place on a future day (after being reported back). The third reading debate is a debate on the principle of the bill as recommended by the Committee of the Whole House on Bills. No substantive amendments are normally made to the bill at this stage, but the bill may be recommitted to the Committee of the Whole House on Bills or to another committee.

Royal Assent

After a bill has passed three readings, it receives Royal Assent from the Lieutenant Governor (or, if the Governor is unavailable, from the Administrator of the Province). This is usually done in a short ceremony in the House of Assembly chamber on the last day of the sitting.

Effective Date

A statute may provide that all or part of it comes into force by proclamation or on a specified date. Proclamations are made by the Governor in Council (the Executive Council acting with the advice and consent of the Lieutenant Governor). At the request of the Minister/department responsible, the Office of the Legislative Counsel prepares the Report and Recommendation to Cabinet for proclamation of legislation and sends it back to the department. The department is responsible for submitting the Report and Recommendation to Executive Council with the supporting briefing note and communications plan.

Title:**Department:**

Accompanying: Indicate the specific Report and Recommendation or a Memorandum that the Communications Plan is accompanying

Date:

Prepared by: (Name, title, and telephone local)

Objectives

Clear, measurable statement of intended results including a deadline and assignment of accountability.

Background

Give the relevant, factual background information which led to the submission. This should be the communications-related background, and not repeat the background in the Cabinet document itself.

Issues

Critical issues identified through research findings, Key stakeholder assessment—who is pro/con, who might be endorsers/vocal critics, and Media scan—past headlines.

Target Audiences

Each audience has different interests. The communication plan segments the respective interests of each of the target audiences to tailor the key message and the most effective communications methodology for each.

Key message

There should be no more than three key messages, and they should be brief. The key message is the theme with an objective, such as to inform the public, educate opinion leaders, generate debate, etc.

Talking Points

Prepared for the spokesperson.

Potential impact on other departments, agencies, etc.**Strategic actions/Roll-out plan**

The roll out plan should include

- recommended approach, timing, activities, and budget
- positioning, tone, lead spokespersons, minister's involvement
- media relations plan
- stakeholder and public awareness plan
- related government, internal communications
- communications tools/products expected

Recommended spokesperson**Evaluation**

media monitoring, environmental scanning, inter-departmental feedback, stakeholder reports/publications, public/stakeholder consultations, feedback from local and regional government staff, and electronic and print correspondence from public

Sent to calendar

date

Approved by Managing Director:

Approved by Deputy:

Approved by Minister:

NOTES:

The Communication Plan should be submitted to TPB only after it has been approved and signed by the Deputy Minister.

All aspects of this document may be subject to public access through the *Freedom of Information and Protection of Privacy Act*.

Communication Staff Procedure

1. Assess the initiative.
2. Involve the appropriate CNS managing director in developing the communication plan.
3. Draft the communications plan, prepared in consultation with senior department staff.
4. Forward the draft plan to the appropriate CNS managing director for approval. This should be done at least a week before the Cabinet document is submitted, when time allows.
5. Once approved by the managing director, seek deputy minister and ministerial approval.
6. The managing director will consult with the communications director in the Premier's Office after Cabinet, and provide feedback to departmental communications directors. Communications directors should also discuss the Cabinet decision with his or her minister, and any staff who attended.

Report and Recommendation to the Executive Council



Number: _____
Dept.: _____
Date: _____

- Subject:** Include a short description of the item being raised or the action proposed
- Submitted By:** State the name and portfolio of the Minister concerned
- Prepared By:** Insert the name and title of the person who prepared the request so he/she can be consulted for further information if necessary.
- Reviewed By:** Indicate the name and title of the Director of Finance or senior financial staff who has reviewed the proposal so he/she can be consulted on the financial implications and funding source.
- Deputy Minister:** Name the deputy minister/deputy head of the department who prepared the document, to ensure that the he/she is aware of and understands all submissions. The deputy minister/deputy head must sign beside his/her signature indicating he/she supports the submission. In the absence of such signature, the Clerk will confirm the submission of the Report and Recommendation with the appropriate official or Minister.

<p>Approvals</p> <hr/> <p>Attorney General Approved as to Form and Authority</p> <hr/> <p>This column, headed "Approvals," is provided to record progress of, and decisions relating to, the Report and Recommendation.</p> <hr/> <p>Registrar of Regulations Approved as to Form</p> <hr/> <p>Date _____</p> <hr/> <p>Clerk of the Executive Council</p> <hr/> <p>Date Rec'd. _____</p> <hr/> <p>Treasury and Policy Board</p> <hr/> <p>Date Rec'd. _____</p> <hr/> <p>Executive Council</p> <hr/> <p>Approved _____</p> <p>Withdrawn _____</p> <p>Referred to _____</p> <p>Date _____</p>	<p>Summary:</p> <p>Provide a brief and concise statement of the subject and proposed action. Define the problem or opportunity. Provide a clear concise summary of the proposal (who, what, when, where, why, and how).</p> <p>Describe the ultimate outcome expected as a result of the action requested in the Report and Recommendation—the results sought.</p> <hr/> <p>Following the Summary, indicate the legal authority for the proposed action, the rationale, and the recommendation for action.</p> <p>First Section: Legal Authority</p> <p>The first section must make reference to, and preferably quote, the legal authority for the proposed action. It may be worded, for example, as follows: (Either in this way)</p> <p>" The undersigned has the honour to refer to Section _____ of Chapter _____ of the Revised Statutes of Nova Scotia, 1989, the _____ Act, which provides as follows: (The quote the actual sections)",</p> <p>(Or, instead)</p> <p>If the Section is very long, reference can be made to the substance of the Section, for example: "Section ..., provides that the Governor in Council may authorize execution of (paraphrase the section).</p> <p>Second section: Proposal</p> <p>The second section or provision in the report and recommendation should be prefaced with the phrase "The undersigned has the honour to report..." and must state briefly:</p> <ol style="list-style-type: none"> (1) pertinent facts and circumstances which make the Report and Recommendation necessary (2) the action which is requested (3) the likely result of the action of the Governor in Council (what corrective action would result, what beneficial objective would be attained, what deficiency would be corrected)
---	--

For an R&R that has significant policy implications, complete all of the headings that follow:

BACKGROUND

Provide a description of background to current situation. This should be a concise, factual statement of events that have led to the current situation.

CURRENT SITUATION

Describe the current situation. That is, there must be issues related to the current situation that have become the impetus for this request. A description of the current situation in relation to these issues that have led to the need for this Report and Recommendation is necessary. This section may vary in length depending on the complexity of the current situation.

OBJECTIVE

The objective should flow from the stated issue. Describe the ultimate outcome expected as a result of the action requested in the Report and Recommendation—the results sought.

EVALUATION

State the criteria that will be used to evaluate whether or not the desired outcomes are attained. The evaluation criteria should be incorporated into the proposed policy or program such as

- criteria (e.g., effectiveness, efficiency, and administrative feasibility)

State intended outcomes and the time frame.

KEY ISSUE

Identify key issues such as

- timing issues related to meeting certain government, department, or other deadlines
- legislative and/or regulatory changes that may arise from the results of the action
- transitional issues that may result from the outcomes of the action
- changes in legislation or regulation
- restructuring of organizations
- stakeholder expectations

In some instances there may be only one or two key issues and in other instances there may be several issues. It should be noted that some of the key issues that may be identified and included in this section may be redundant to some of the other categories identified below. You may decide to list the issues in this section and indicate that more detail will be included in the corresponding sections that follow where appropriate.

CONSULTATION

Describe any consultations that have occurred, whether or not all necessary consultations have taken place, and if not why not. The stakeholders consulted should be listed, along with their positions and reasoning behind their positions. There should also be a description of how the stakeholders' input will be addressed. The type of consultation should be noted, for example, public meetings (include number and locations), focus groups, invitation to stakeholders, advertisements, etc.

In some situations, consultation may be proposed as a means to determine what action is required. If that is the case, the proposed consultation process should be outlined in detail.

ASSESSMENT OF ALTERNATIVES

Identify different options that have been considered to achieve the same outcome. Show the pros and cons of each option against the pre-established evaluation criteria (e.g., effectiveness, efficiency, cost/benefit, stakeholder reaction, ease of implementation). On the basis of this analysis, select the preferred option and provide the rationale. This should be based on the evaluation criteria outlined above. Remember, n/a is not acceptable for this section; there are always alternatives. There should be at least two alternatives, and four will most often be the most that can be dealt with practically in one submission. Do not expect to find a perfect policy alternative. Do not contrast a preferred policy with a set of "dummy" alternatives. Do not have a favourite alternative until you have evaluated all the alternatives in terms of all the objectives. Please ensure that your alternatives are mutually exclusive.

PROPOSED ACTION AND TIMING

Set out the preferred alternative and the action plan for carrying it out. The proposed action and timing may be dependent on a number of factors, including the type of action being requested and the possible outcomes from this action. For instance, the timing of consultations for Education may be dependent on the school calendar. The timing for legislative or regulatory changes may be dependent on the schedule of the House of Assembly or the schedule of Cabinet. Timing of other activities may be dependent on elections schedules, hearings schedules, availability of stakeholders, etc.

BENEFITS/LIABILITIES

Describe the benefits and liabilities of the proposed course of action. The benefits could be drawn from the objective section in that the benefits of the action underscore the objective of the suggested action. The liabilities identify any potentially negative fallout from carrying out the identified action. This section should reflect the evaluation criteria.

IMPLICATIONS

Examine each of the eight areas for possible implications. For example, under Human Resource Implications, state the impact of the proposal on full-time equivalents (FTEs). One or more of these may be irrelevant, in which case "n/a" should be noted. For those that are applicable, two or three sentences around the related implications should be sufficient.

ECONOMIC IMPLICATIONS

RURAL NOVA SCOTIA IMPLICATIONS

SOCIAL IMPLICATIONS

TRADE IMPLICATIONS

LEGAL IMPLICATIONS

ENVIRONMENTAL IMPLICATIONS

HUMAN RESOURCE IMPLICATIONS

INFORMATION TECHNOLOGY IMPLICATIONS

FINANCIAL IMPACT

Because of the importance of this section as it relates to the government's budgeting concerns, this issue has been separated from the other potential implications identified above. This section should identify the financial implications of the action itself and any financial implications that may be incurred from decisions or policy direction derived from the action.

Address the following issues:

- funding allocation - What is the source of funding for the proposal? Is funding coming from an approved budget appropriation? Are new monies required and, if so, are monies be re-allocated from existing appropriations?
- third party funding - Are alternative funding sources being accessed? Is the province entering into contractual commitments with third parties which will impact its own financial management?
- revenue/tax implications - Is the initiative impacting a revenue stream of the province?
- impact on bottom line - Will the proposal cause a material impact on the budget estimates and, as a result, increase the deficit/reduce the surplus? Is the impact on an accrual or cash basis?
- impact on balance sheet - Will the proposal cause the province to be making a long-term financial commitment that results in an increase in assets/liabilities?
- view of investors/creditors - How will credit rating agencies and investors view the proposal? Will the net impact be seen to be positive, negative, or neutral to the current view? Is the proposal likely to have any immediate impact?
- the total cost of the program/policy by fiscal year (s)
- impacts on other expenditures (e.g., a capital expenditure may result in changes in operating costs)

Review this analysis with Finance CSU staff. Include a statement that says the financial implications have been reviewed by Finance CSU staff.

GOVERNMENT-WIDE IMPLICATIONS

Indicate consultations, if any, that were undertaken with other departments that may be affected by the action and whether or not they are in agreement with the proposed actions and what their position is. If another department will be affected in a significant way, submit a joint Report and Recommendation.

EFFICIENCY/PRODUCTIVITY

The government is focussing on continuing to offer services in a more efficient manner. This efficiency/productivity may take differing forms including such examples as increased accountability to the Minister, less expensive options for certain programs, replacement of programs with other programs that may be more efficient or productive, etc. These are some examples of areas to identify under this section.

INTERGOVERNMENTAL IMPACT

In some instances, the action may (1) affect the federal or other provincial and territorial governments (not municipal or Aboriginal governments) or (2) require collaborative involvement with other governments, or both.

If the subject of the submission does not affect or involve the relationships, responsibilities, programs, or policies of the federal or other provincial and territorial governments, please say so.

If the subject may have different impacts on different governments, please specify what these may be.

Indicate the outcome of your consultation with the Nova Scotia Department of Intergovernmental Affairs.

Indicate consultations, if any, that were undertaken with other governments that may be affected by the action, whether or not they are in agreement with the proposed actions, and what their position is.

MUNICIPAL IMPLICATIONS

In some instances, the action requires a collaborative involvement with municipalities. This section should identify where collaboration is required or where the outcome of the action may affect municipalities. This section should also indicate what consultations, if any, were undertaken with municipalities that may be affected by the action and whether or not the municipalities are in agreement with the proposed actions and what their positions are.

OTHER ISSUES

Any other issues that may have been considered too minor for the "Key Issues" section and have not been included elsewhere may be included in this section. Consideration may be given to actions that may need to be considered in the future or for other groups, programs, etc.

COMMUNICATION ISSUES AND PLANS

A communications plan should also be attached. Carry forward the communications issues listed on the communications plan. Reference the attached communication plan for more details.

BLUEPRINT COMMITMENT

State how the proposal is related to the Blueprint Commitments. If the proposal relates to a specific commitment, quote the commitment.

If the proposal relates to a specific government priority, quote the reference and the specific priority. Examples of documents to consider are platform documents such as "Blueprint for building a better Nova Scotia," the Speech from the Throne, the government business plan, and the budget speech.

Last Section FORM OF ORDER (must be in all R&Rs)

State the recommendation for action by the Governor in Council.

Express the recommendation as follows:

"The undersigned has the honour to recommend that the Governor in Council make an Order in the following form or to like effect: The Governor in Council on the report and recommendation of the Minister of _____, dated _____ 20____, and pursuant to Section _____ of Chapter _____, Revised Statutes of Nova Scotia, 1989, the _____ Act, is pleased to ...

Respectfully submitted,

Minister of _____

Halifax, Nova Scotia
Date

MEMORANDUM TO EXECUTIVE COUNCIL

NUMBER:

DEPT.:

DATE:

SUBJECT: Insert topic to be addressed

SUBMITTED BY: Insert the minister and portfolio concerned

PREPARED BY: Insert the name and title of the person who prepared the request so s/he can be consulted for further information if necessary.

REVIEWED BY: Indicate the name and title of the Director of Finance or senior financial staff who has reviewed the proposal so he/she can be consulted on the financial implications and funding source.

DEPUTY MINISTER: Insert the name of the deputy minister/deputy head of the submitting department or agency. The deputy minister/deputy head must sign beside his/her signature indicating he/she supports the submission.

SUMMARY: Define the problem or opportunity and provide a clear concise summary of the proposal e.g., who, what, when, where, why, and how.

BACKGROUND

Provide a description of background to current situation. This should be a concise, factual statement of events that have led to the current situation.

CURRENT SITUATION

Describe the current situation. That is, there must be issues related to the current situation that have become the impetus for this request. A description of the current situation in relation to these issues that have led to the need for this Memorandum is necessary. This section may vary in length depending on the complexity of the current situation.

OBJECTIVE

The objective should flow from the stated issue. Describe the ultimate outcome expected as a result of the action requested in the Memorandum—the results sought.

EVALUATION

State the criteria that will be used to evaluate whether or not the desired outcomes are attained. The evaluation criteria should be incorporated into the proposed policy or program such as

- criteria (e.g., effectiveness, efficiency, and administrative feasibility)

State intended outcomes and the time frame.

KEY ISSUE

Identify key issues such as

- timing issues related to meeting certain government, department, or other deadlines
- legislative and/or regulatory changes that may arise from the results of the action
- transitional issues that may result from the outcomes of the action
- changes in legislation or regulation
- restructuring of organizations
- stakeholder expectations

In some instances there may be only one or two key issues and in other instances there may be several issues. It should be noted that some of the key issues that may be identified and included in this section may be redundant to some of the other categories identified below. You may decide to list the issues in this section and indicate that more detail will be included in the corresponding sections that follow where appropriate.

CONSULTATION

Describe any consultations that have occurred, whether or not all necessary consultations have taken place, and if not why not. The stakeholders consulted should be listed, along with their positions and reasoning behind their positions. There should also be a description of how the stakeholders' input will

be addressed. The type of consultation should be noted, for example, public meetings (include number and locations), focus groups, invitation to stakeholders, advertisements, etc.

In some situations, consultation may be proposed as a means to determine what action is required. If that is the case, the proposed consultation process should be outlined in detail.

ASSESSMENT OF ALTERNATIVES

Identify different options that have been considered to achieve the same outcome. Show the pros and cons of each option against the pre-established evaluation criteria (e.g., effectiveness, efficiency, cost/benefit, stakeholder reaction, ease of implementation). On the basis of this analysis, select the preferred option and provide the rationale. This should be based on the evaluation criteria outlined above. Remember, n/a is not acceptable for this section; there are always alternatives. There should be at least two alternatives, and four will most often be the most that can be dealt with practically in one submission. Do not expect to find a perfect policy alternative. Do not contrast a preferred policy with a set of “dummy” alternatives. Do not have a favourite alternative until you have evaluated all of the alternatives in terms of all the objectives. Please ensure that your alternatives are mutually exclusive.

PROPOSED ACTION AND TIMING

Set out the preferred alternative and the action plan for carrying it out. The proposed action and timing may be dependent on a number of factors, including the type of action being requested and the possible outcomes from this action. For instance, the timing of consultations for Education may be dependent on the school calendar. The timing for legislative or regulatory changes may be dependent on the schedule of the House of Assembly or the schedule of Cabinet. Timing of other activities may be dependent on elections schedules, hearings schedules, availability of stakeholders, etc.

BENEFITS/LIABILITIES

Describe the benefits and liabilities of the proposed course of action. The benefits could be drawn from the objective section in that the benefits of the action underscore the objective of the suggested action. The liabilities identify any potentially negative fallout from carrying out the identified action. This section should reflect the evaluation criteria.

IMPLICATIONS

Examine each of the eight areas for possible implications. For example, under Human Resource Implications, state the impact of the proposal on full-time equivalents (FTEs). One or more of these may be irrelevant, in which case “n/a” should be noted. For those that are applicable, two or three sentences around the related implications should be sufficient.

ECONOMIC IMPLICATIONS

RURAL NOVA SCOTIA IMPLICATIONS

SOCIAL IMPLICATIONS

TRADE IMPLICATIONS

LEGAL IMPLICATIONS

ENVIRONMENTAL IMPLICATIONS

HUMAN RESOURCE IMPLICATIONS

INFORMATION TECHNOLOGY IMPLICATIONS

FINANCIAL IMPACT

Because of the importance of this section as it relates to the government’s budgeting concerns, this issue has been separated from the other potential implications identified above. This section should identify the financial implications of the action itself and any financial implications that may be incurred from decisions or policy direction derived from the action.

Address the following issues:

- funding allocation - What is the source of funding for the proposal? Is funding coming from an approved budget appropriation? Are new monies required and, if so, are monies being re-allocated from existing appropriations?
- third party funding - Are alternative funding sources being accessed? Is the province entering into contractual commitments with third parties which will impact its own financial management?
- revenue/tax implications - Is the initiative impacting a revenue stream of the province?
- impact on bottom line - Will the proposal cause a material impact on the budget estimates and, as a result, increase the deficit/reduce the surplus? Is the impact on an accrual or cash basis?
- impact on balance sheet - Will the proposal cause the province to be making a long-term financial commitment that results in an increase in assets/liabilities?

- view of investors/creditors - How will credit rating agencies and investors view the proposal? Will the net impact be seen to be positive, negative, or neutral to the current view? Is the proposal likely to have any immediate impact?
- the total cost of the program/policy by fiscal year (s)
- impacts on other expenditures (e.g., a capital expenditure may result in changes in operating costs)

Review this analysis with Finance CSU staff. Include a statement that says the financial implications have been reviewed by Finance CSU staff.

GOVERNMENT-WIDE IMPLICATIONS

Indicate consultations, if any, that were undertaken with other departments that may be affected by the action and whether or not they are in agreement with the proposed actions and what their position is. If another department will be affected in a significant way, submit a joint Memorandum.

EFFICIENCY/PRODUCTIVITY

The government is focussing on continuing to offer services in a more efficient manner. This efficiency/productivity may take differing forms including such examples as increased accountability to the Minister, less expensive options for certain programs, replacement of programs with other programs that may be more efficient or productive, etc. These are some examples of areas to identify under this section.

INTERGOVERNMENTAL IMPACT

In some instances, the action may (1) affect the federal or other provincial and territorial governments (not municipal or Aboriginal governments) or (2) require collaborative involvement with other governments, or both.

If the subject of the submission does not affect or involve the relationships, responsibilities, programs, or policies of the federal or other provincial and territorial governments, please say so.

If the subject may have different impacts on different governments, please specify what these may be.

Indicate the outcome of your consultation with the Nova Scotia Department of Intergovernmental Affairs.

Indicate consultations, if any, that were undertaken with other governments that may be affected by the action, whether or not they are in agreement with the proposed actions, and what their position is.

MUNICIPAL IMPLICATIONS

In some instances, the action requires a collaborative involvement with municipalities. This section should identify where collaboration is required or where the outcome of the action may affect municipalities. This section should also indicate what consultations, if any, were undertaken with municipalities that may be affected by the action and whether or not the municipalities are in agreement with the proposed actions and what their positions are.

OTHER ISSUES

Any other issues that may have been considered too minor for the "Key Issues" section and have not been included elsewhere may be included in this section. Consideration may be given to actions that may need to be considered in the future or for other groups, programs, etc.

COMMUNICATION ISSUES AND PLANS

A communications plan should also be attached. Carry forward the communications issues listed on the communications plan. Reference the attached communication plan for more details.

BLUEPRINT COMMITMENT

State how the proposal is related to the Blueprint Commitments. If the proposal relates to a specific commitment, quote the commitment.

If the proposal relates to a specific government priority, quote the reference and the specific priority. Examples of documents to consider are platform documents such as "Blueprint for building a better Nova Scotia," the Speech from the Throne, the government business plan, and the budget speech.

RECOMMENDATION

The recommendation should concisely summarize what is being asked of Cabinet for approval. A statement of recommendation that Cabinet approve the actions identified in the Memorandum will NOT suffice.

The stated recommendation should, whenever appropriate, concisely summarize the following:

- key policy decisions
- timing considerations for key steps (e.g., consultations to be concluded by a certain month)
- any assignment of responsibility to departments, with specification as to whether this is a lead or joint responsibility
- the specific involvement of any other departments (e.g., to be consulted with respect to a particular issue)

- the specific involvement of central agencies (e.g., a clause directing the ministry to work with CNS and TPB office on the communications strategy)
- any issues resulting from the recommendations that may come back to Executive Council and/or Executive Council Committees (e.g., for review of a business case or financial issues)

The stated recommendation should NOT include the following:

1. the broad principles or objectives underling the proposal (except if these represent a fundamental policy change and are needed to understand the specific recommendations, or if they will guide a particular action such as a consultation or negotiation.)
2. principles or objectives underlying specific recommendations
3. descriptions of intent
4. descriptions of anticipated impact
5. technical points or detailed drafting instructions (if necessary, these may be added as a Schedule)
6. detailed implementation information

Respectfully submitted,

Minister of _____

Halifax, Nova Scotia
Date

Points of Contact

The following table identifies issues that require consultation with the Department of Finance prior to forwarding items to TPB and Executive Council.

ISSUE	PRIOR TO SUBMISSION TO TPB OR EXECUTIVE COUNCIL	ADDITIONAL INFORMATION TO BE CONSIDERED	CONSIDERATIONS PRIOR TO DECISIONS BY TPB/ EXECUTIVE COUNCIL
Capital Items <ul style="list-style-type: none"> • calculations of amortization, impact on operating costs 	<ul style="list-style-type: none"> • Controller's office to review for appropriateness 	<ul style="list-style-type: none"> • accounting treatment • impact on financial statements 	<ul style="list-style-type: none"> • impact on financial statements
Unappropriated Financial Transactions (See Provincial Finance Act Section 59(c))	<ul style="list-style-type: none"> • upon receipt from the originating department/minister, the Minister of Finance submits his Report and Recommendation for Governor in Council approval 	<ul style="list-style-type: none"> • the terms and conditions • the rationale 	<ul style="list-style-type: none"> • impact on financial statements
Financial Statements <ul style="list-style-type: none"> • accounting policy impact • Income Statement impact 	<ul style="list-style-type: none"> • Controller's Office to review for policy impact 	<ul style="list-style-type: none"> • accounting treatment • impact on financial statements 	<ul style="list-style-type: none"> • impact on financial statements
New Dept. Program Spending <ul style="list-style-type: none"> • budgetary impact • financial statement impact 	<ul style="list-style-type: none"> • Controller's Office to review for policy impact 	<ul style="list-style-type: none"> • accounting treatment • impact on financial statements 	<ul style="list-style-type: none"> • impact on financial statements
Lease Arrangements <ul style="list-style-type: none"> • operating vs. capital 	<ul style="list-style-type: none"> • Controller's Office to review for policy impact 	<ul style="list-style-type: none"> • accounting treatment • impact on financial statements 	<ul style="list-style-type: none"> • impact on financial statements
Loan Arrangements/ Guarantees <ul style="list-style-type: none"> • trigger grant status 	<ul style="list-style-type: none"> • Controller's Office to review for expense impact 	<ul style="list-style-type: none"> • accounting treatment • impact on financial statements 	<ul style="list-style-type: none"> • impact on financial statements
Pension/LTD/PSA <ul style="list-style-type: none"> • policy changes 	<ul style="list-style-type: none"> • Investments/Pensions/Treasury Services to review for appropriateness 	<ul style="list-style-type: none"> • regulatory or legislative requirements • fiscal impacts 	<ul style="list-style-type: none"> • impact on civil service (unions) • fiscal impact
Capital Market Activities <ul style="list-style-type: none"> • changes to capital market policy • decisions effecting capital markets 	<ul style="list-style-type: none"> • Investments/Pensions/Treasury Services to review for appropriateness • fiscal impact 	<ul style="list-style-type: none"> • possible impact on credit ratings • legislative requirement 	<ul style="list-style-type: none"> • impact on debt service levels, fiscal impact
Investing Activities <ul style="list-style-type: none"> • changes to investment policy 	<ul style="list-style-type: none"> • Investments/Pensions/Treasury Services to review for appropriateness • fiscal impact 	<ul style="list-style-type: none"> • short term / long term impacts on cash flow • impact on investment income 	<ul style="list-style-type: none"> • fiscal impact

ISSUE	PRIOR TO SUBMISSION TO TPB OR EXECUTIVE COUNCIL	ADDITIONAL INFORMATION TO BE CONSIDERED	CONSIDERATIONS PRIOR TO DECISIONS BY TPB/ EXECUTIVE COUNCIL
Cash Management <ul style="list-style-type: none"> changes to cash management practices 	<ul style="list-style-type: none"> Investments/Pensions/Treasury Services to review for appropriateness fiscal impact 	<ul style="list-style-type: none"> impact on cash flow impact on legislation 	<ul style="list-style-type: none"> fiscal impact
Banking Arrangements <ul style="list-style-type: none"> changes to banking procedures, practices evaluation of tender proposals 	<ul style="list-style-type: none"> Investments/Pensions/Treasury Services to review for appropriateness evaluate tender proposals 	<ul style="list-style-type: none"> adherence to tender policy 	
Credit Rating Agencies <ul style="list-style-type: none"> contacts with agencies 	<ul style="list-style-type: none"> Investments/Pensions/Treasury Services to be the lead contact 	<ul style="list-style-type: none"> impact on rating 	<ul style="list-style-type: none"> impact on rating
Analysts and Investors <ul style="list-style-type: none"> contacts with analysts and investors 	<ul style="list-style-type: none"> Investments/Pensions/Treasury Services to be the lead contact 	<ul style="list-style-type: none"> impact on rating 	<ul style="list-style-type: none"> impact on rating
Tax Policy <ul style="list-style-type: none"> change to / introduction of new tax policy includes any initiatives that are based on tax data 	<ul style="list-style-type: none"> Fiscal and Economic Policy to review the policy for appropriateness Fiscal and Economic Policy to determine if intended rebates are linked to income, capital, payroll, sales taxation 	<ul style="list-style-type: none"> regulatory or legislative requirements effect on overall provincial tax policy 	<ul style="list-style-type: none"> impact on provincial tax policy and provincial revenues
Tax Policy <ul style="list-style-type: none"> restructuring of how the Province does business (privatization, changing agency agreements, more agency autonomy) 	<ul style="list-style-type: none"> Fiscal and Economic Policy to review the proposed change to determine if there are tax consequences 	<ul style="list-style-type: none"> impact of restructuring, Fiscal Economic Policy to advise before the final decision is made does the initiative involve agreements between the proposing department and federal finance or CCRA 	<ul style="list-style-type: none"> impact on provincial tax policy and provincial revenues
Tax Policy <ul style="list-style-type: none"> assistance to business 	<ul style="list-style-type: none"> Fiscal and Economic Policy to review assistance for tax consequences 	<ul style="list-style-type: none"> impact on business, tax claw backs Fiscal Economic Policy to advise before the final decision is made 	<ul style="list-style-type: none"> impact on provincial tax policy and provincial revenues

ISSUE	PRIOR TO SUBMISSION TO TPB OR EXECUTIVE COUNCIL	ADDITIONAL INFORMATION TO BE CONSIDERED	CONSIDERATIONS PRIOR TO DECISIONS BY TPB/ EXECUTIVE COUNCIL
Revenue <ul style="list-style-type: none"> • revenue generating initiatives both general revenue and user fees 	<ul style="list-style-type: none"> • Fiscal and Economic Policy to review assistance for tax consequences 	<ul style="list-style-type: none"> • if user fees are proposed do they require legislation • does the proposal reduce revenues to the province • do the new revenue sources need to be included in the revenue forecast 	<ul style="list-style-type: none"> • impact on provincial revenues • classification of revenue • do the level of fees exceed the cost of delivering the service
Federal -Provincial <ul style="list-style-type: none"> • impact of proposal/policy on federal-provincial arrangements 	<ul style="list-style-type: none"> • Fiscal Economic Policy to review for impacts • inclusion in the cost sharing inventory 	<ul style="list-style-type: none"> • impact on CHST, equalization, tax collection agreements • does the proposal involve any agreements between federal finance or CCRA 	<ul style="list-style-type: none"> • impact on revenues



**Executive
Council**

*A certified copy of an Order in Council dated
January 23, 2004.*

2004-9

The Governor in Council on the report and recommendation of the President of the Executive Council dated January 7, 2004, is pleased to authorize the Clerk of the Executive Council to deliver to the Provincial Archives, for safekeeping, the following documents:

ORDERS IN COUNCIL: Copies of Orders in Council recommended to Her Honour the Lieutenant Governor for execution and originally signed by Members of the Executive Council during the calendar year 2003, which Orders in Council are contained in a box bearing the following:

ORDERS IN COUNCIL 2003-1 TO 2003-561

January 16, 2003 to December 19, 2003.

Certified to be a true copy

Alison Scott

Clerk of the Executive Council

Appendix 3-G Intergovernmental Agreements Assessment Check-list

Under Section 6 of the *Public Service Act*, a Member of Executive Council requires Governor in Council approval to enter into an agreement with the Government of Canada or the government of a province or agency thereof.

The following check-list has been developed to assist departments in assessing whether to propose that a Member of the Executive Council enter into an agreement with the Government of Canada or the government of a province or territory. This check-list is not Executive Council/TPB required documentation. It is a tool for departments to use in assessing the strength of the proposal and of the supporting material.

Relation to Provincial Policy and Budgetary Objectives

- Would the federal funding advance the province's own policy objectives?
- Is there a strategic relationship to broader economic or social goals of the province as expressed in the provincial business plan, budget, and other documents related to the government's agenda?
- Would the required provincial funding commitment to the federal funding initiative be consistent with the fiscal plan of the province?
- Will the fiscal value significantly benefit the province's fiscal situation?
- Can provincial participation be funded under the department's current operating budget?
- Would implementation of the agreement significantly alter or change current program or service delivery by the participating department?

Terms of an Agreement (if proposed by the federal government)

- Is this a new agreement?
- Is this a renewal of an existing agreement?
- If a renewal are the terms and conditions:
 - more favourable?
 - unchanged?
 - less favourable?
- What is the term of the agreement? Provide categories to choose from for the time period - For example:
 - One year or less
 - 2-3 years
 - 4-5 years
 - 6-10 years
 - more than 10 years
- Are there provisions with cost implications beyond the term of the agreement? What are they?

- Are there other implications beyond the terms of the agreement? (e.g., administrative, operational, regulatory, impacts on other agencies/jurisdictions) If so, what are they? _____

Nature of a Provincial Proposal to the Federal Government

- Identify and assess the strength of the supporting materials (e.g., cost-benefit analysis, statistical evidence, risk assessment, results of program evaluation)
- Is the proposal compatible with known federal objectives?

Impact on Other Departments or Agencies

- Does the proposal enhance Nova Scotia's ability to lever improved cooperation in another area (whether the proposal is accepted or rejected by the federal government)?
- Does the proposal negatively influence other federal-provincial or interprovincial negotiations and processes?
- If there are potential positive impacts on the policy and budgetary responsibilities of other departments or agencies, or on negotiations they may be undertaking, have those departments or agencies been consulted? What are their views?

- If there are potential negative impacts on the policy and budgetary responsibilities of other departments or agencies, or on negotiations they may be undertaking, have those departments or agencies been consulted? What are their views?

Recognition of the Province's Financial Circumstances and Needs

- Under the proposed agreement, would the federal government recognize existing provincial funding as our contribution towards any cost-sharing arrangements?
- Is the agreement or proposal consistent with the provisions of the Social Union Framework Agreement that funding arrangements be equitable and reflect the diverse needs and circumstances of the province?

Opportunity for Alliances

- Is there an opportunity to develop alliances with other departments or agencies?
- Is there an opportunity to develop alliances with other jurisdictions to ensure a stronger voice at the negotiating table?

Final Considerations: Cost/Benefit Analysis

- Would the funding arrangement be stable and predictable? For how long?
- Is the project, program, or activity sustainable (in all senses, including both the province's ability to sustain a program beyond the federal cut-off date, *and* sustainable resource management)?
- Are there long term benefits?
What are they? _____

- Are there long term costs?
What are they? _____

- Do the benefits outweigh the costs?
- Is the federal funding program likely to raise the expectations of... which will cause difficulties for the province and the municipalities, etc., when the funding is discontinued?
 - municipalities _____
 - communities _____
 - businesses or organizations _____
- What are the risks of signing this agreement? _____

Appendix 3-H How Regulations Are Prepared

The power to make regulations is contained in a statute (act) made by the Legislature. The act enables the regulation making authority (usually either the Governor in Council (Executive Council + the Lieutenant Governor), a minister, or a board or commission, or some combination of them) to make regulations for specific reasons or about a subject matter listed in the enabling section of the act.

The *Regulations Act* requires all regulations to be filed with the Registrar of Regulations and to be published, with some exceptions, in the Royal Gazette Part II. Regulations are not effective until the date of filing unless a future date is specified or the act allows effect retroactively.

The regulatory process itself is usually initiated by the department of the minister responsible for the administration of the act. At this point, the department uses the Regulations (Red Tape Reduction) Criteria Checklist (Appendix 3-E) as a tool to determine if regulations are needed and are the best intervention. The Criteria Check List is a tool to assist departments as they are developing new regulations and for the ongoing review of existing regulations that impact business. It should cause departments to conduct rigorous policy assessment that includes the impacts and benefits of the proposal.

If it is determined that regulations are the best intervention, either instructions for drafting or actual drafts of the proposed regulations are prepared by department staff, who usually work with the solicitor assigned to that department by the Department of Justice.

From this point on in the process, the draft regulations take different paths, depending on how they are authorized to be made by their enabling acts.

According to the *Interpretation Act*, the power to make regulations also includes the power to amend or repeal regulations, and the process remains the same for all. Therefore, where the word "regulations" is used in the following descriptions, it also includes amendments to regulations and repeals of regulations.

Regulations made or approved by the Governor in Council

When the draft regulations are in a form satisfactory to the department and the solicitor assigned by the Department of Justice, the solicitor approves them on behalf of the Attorney General as to their form and the legal authority under which they are made, in accordance with the *Regulations Act*. The regulations are then sent to the Registrar of Regulations for further review as to form under the *Regulations Act*.

The Registry edits the draft regulations to ensure compliance with the Department of Justice's *Style and Procedure Manual*, making sure that the regulations are consistent with existing regulations, ensuring consistency of form and language, and commenting on any matters that may require reconsideration by the department or the solicitor.

Once regulations have been approved as to form and authority by the solicitor and as to form by the Registrar of Regulations, they are also signed by the minister responsible and forwarded to the Executive Council Office along with a Report and Recommendation, a Regulations Analysis Form, Regulations (Red Tape Reduction) Criteria Check list, Briefing Note, and the Communications Plan. Executive Council logs it as being received and forwards it to Treasury and Policy Board Office for a staff assessment before it is submitted to Executive Council for review and approval. On the recommendation of Executive Council, regulations are delivered to the Lieutenant Governor for approval.

Once the regulations have been made or approved by the Lieutenant Governor, the Order in Council, the regulations, and, if applicable, the Order of the Minister or regulation-making body are returned to the Registrar of Regulations for filing and publication in the next issue of the Royal Gazette Part II.

Regulations made by or approved by the Minister (without Governor in Council approval)

When the draft regulations are in a form satisfactory to the department and the solicitor assigned by the Department of Justice, they are forwarded to the minister responsible in the form of an order for the minister's review and approval. Upon approval, the minister signs and dates the order to give effect to the regulations. The Ministerial Order and regulations are then forwarded to the Registrar of Regulations for filing and publication in the next issue of the Royal Gazette Part II.

Regulations made by an agency, board, commission, or other body (without Governor in Council approval)

In this scenario, the regulation-making body initiates the process and then, depending on the circumstances, may work together with the department's staff and solicitor, or prepare the regulations themselves. Once finalized, the order of the regulation-making body is signed and forwarded together with the regulations to the Registrar of Regulations for filing and publication in the next issue of the Royal Gazette Part II.

REGULATIONS ANALYSIS FORM

Subject: The same subject as that used for “Subject” on the accompanying Report and Recommendation.

Date: This document should be dated the same day as the Minister signs and dates the accompanying Report and Recommendation.

Current	Proposed	Analysis
Provide actual regulations including the exact numbering and wording.	<p>Provide the exact wording and numbering of the amended regulations.</p> <p>If a new regulation, provide the exact wording and numbering that is being added.</p> <p>If a repeal of a regulation, provide the exact wording and numbering that is being repealed.</p>	<p>The analysis is drawn from the body of the R&R but presented in non legal terms. It should include:</p> <ul style="list-style-type: none"> • an explanation of the change and why it is recommended • the beneficial outcomes and possible negative outcomes that may be attained • how these changes will impact the stakeholders.

* If Regulation is being established, please quote regulation under Proposed and provide explanation under Analysis.

Appendix 3-J

REGULATION (RED TAPE REDUCTION) CRITERIA CHECK LIST

STRICTLY CONFIDENTIAL - ADVICE TO EXECUTIVE COUNCIL

DEPARTMENT:

DATE OF REQUEST:

PROVIDE A SUMMARY OF THE PROPOSED REQUEST. Indicate whether it is a new regulation(s) or an amendment to existing regulation(s) . Give the name of the Act.

PERSON TO CONTACT FOR DETAILED INFORMATION:

TELEPHONE:

SIGNATURE OF DEPUTY MINISTER

SIGNATURE OF MINISTER

DATE

PLEASE ANSWER ALL QUESTIONS. DO NOT ANSWER BY REFERENCE TO DRAFT BILL OR INSTRUCTIONS

1. BACKGROUND

A. Regulation(s) recommended by:

Department
and/or

Other (Specify) _____

Legislation supported by: (attach any relevant documentation)

B. Has Regulation(s) been previously requested?

NO

YES (specify years) _____

_____ **Why did the regulation(s) not go forward?**

C. Will this regulation(s) and any subsequent regulations increase red tape in Nova Scotia?

CHECK LIST	SUPPORTING DATA	
1. <i>Is the proposed regulation absolutely necessary?</i>		
➤ What is the problem that is to be solved?		
➤ What is being proposed / goal?		
➤ Are there alternatives to the regulation, e.g., voluntary schemes, codes of practice, self regulation, procedures, improved information?		
➤ Is this a new problem or a past continuing problem?		
➤ How will we measure achievement of goal?		
2. <i>Who is affected and, in the recent past, have comprehensive consultations been undertaken with those affected and have realistic alternatives been explored?</i>		
➤ Give the general scope of who is affected by the regulations (winners and losers).		
➤ Who was consulted and how?		
➤ What were the positions expressed?		
➤ Were all affected groups consulted? Who was not and why?		
3. <i>Does the regulation enhance, is it neutral to, or is it an impediment to Nova Scotia's competitiveness?</i>		
➤ How do other jurisdictions deal with the problem?		
➤ Are Nova Scotia's requirements and standards similar or stiffer than in other jurisdictions?		

CHECK LIST	SUPPORTING DATA	
➤ Has the regulation been tested to see if stakeholders understand it and to ensure that it meets the Registry of Regulations' Style and procedures Manual?		
➤ What are cost impacts to those who have to comply?		
➤ To what extent does it increase regulatory burden?		
➤ Does regulation create a competitive advantage or disadvantage for particular groups?		
➤ Does this cost vary with location, e.g., metro or rural?		
➤ Does this cost impact vary with size of operation?		
4. Do the benefits of the regulation outweigh the risks or consequences without the regulation?		
➤ What are the benefits? Please quantify.		
➤ What are the risks of not regulating?		
➤ Does Government have resources to enforce and are regs enforceable?		
5. Can the regulation be administered efficiently with minimal procedures and paperwork?		
➤ Is there overlap or duplication with other ministries, federal government, or municipalities?		
➤ Has the number of government agencies involved in regulating this area been minimized?		
➤ Has consideration been given to exemption or simplified procedures for small business or rural areas?		

CHECK LIST	SUPPORTING DATA	
➤ Is the legislation and the proposed regulation compatible with the government's proposed e-commerce system?		
6. Review and Follow-up		
➤ If a predetermined date was established by which the effectiveness and impact of the measure was to be reviewed, who is to be consulted on the review and how?		

BRIEFING NOTE
{Department Which Prepared}

Event Name or Issue Name:

KEY MESSAGE:

- *{One to three talking points, primary message first. Prepared with or by Communications staff}*

CURRENT SITUATION:

- *{Short intro to describe the issue or situation - should also indicate action underway}*

BACKGROUND:

- *{History of the issue including any related issues}*

RECOMMENDATION/ADVICE (if appropriate):

- *{Includes what staff would suggest needs to be done in response to the issue/situation - could include options for Executive Council if appropriate}*

PREPARED BY: (name/title/phone number)
DATE: (date)
CONTACT: (name/title/phone number)

Appendix 3-L Intent of the *Freedom of Information and Protection of Privacy Act*

The overall intent of the Nova Scotia *Freedom of Information and Protection of Privacy Act* is the following:

1. ensure that public bodies are fully accountable to the public by
 - (i) giving the public a right of access to records
 - (ii) giving individuals a right of access to, and a right to correction of, personal information about themselves
 - (iii) specifying limited exceptions to the rights of access
 - (iv) preventing the unauthorized collection, use, or disclosure of personal information by public bodies, and
 - (v) providing for an independent review of decisions made pursuant to this Act
2. provide for the disclosure of all government information (with limited exemptions) to
 - (i) facilitate informed public participation in policy formulation
 - (ii) ensure fairness in government decision-making
 - (iii) permit the airing and reconciliation of divergent views
3. protect the privacy of individuals with respect to personal information about themselves as well as providing access by individuals to their own personal information, and preventing unauthorized collection, use, and disclosure of personal information.

The FOIPOP Act provides for the disclosure of all government information. There are limited and specified exceptions to the rights of access:

1. PUBLIC PRIVATE PARTNERSHIPS (Section 5(2A))

Under Section 5(2A) “public private partnership” contracts are required to be disclosed with some exceptions. These are executive contracts and must involve a substantial transfer of risk to a person, including a risk related to the operation or financing or both of government activities and the contract must be designated through the appropriate procedures of the public body within particular time limits. However, the disclosure requirement does not include trade secrets, financial and business information of the contracting party, or any records that would endanger the health or safety of persons or groups of persons.

2. INTERGOVERNMENTAL AFFAIRS (Section 12)

If the head of the public body believes that information has been received in confidence from another government in Canada or that disclosure of the information could reasonably be expected to harm intergovernmental relations, then the information may be withheld. Records more than fifteen years old are not covered. Consent of the Governor-in-Council is required to release records to which the exemption applies.

3. DELIBERATIONS OF EXECUTIVE COUNCIL (Section 13)

The department head may refuse to disclose information revealing the substance of Executive Council deliberations including advice, recommendations, policy considerations, draft legislation or regulations. Information in records over ten years old are not covered, nor is background information whose purpose is to present explanations or analysis and used to make a decision, if that decision has been made public, implemented, or it has been more than five years since the decision was made or considered. A definition of background information is contained in Section 3.

4. ADVICE TO PUBLIC BODY OF MINISTER (Section 14)

The head has the option of refusing to release information that would reveal advice, recommendations, or draft regulations. This does not apply to background information or information more than five years old. However, background information does not include a program proposal or a proposal to change a program, if the proposal has not yet been approved or rejected.

5. LAW ENFORCEMENT (Section 15)

This discretionary exemption applies to a broad range of information which has a connection to law enforcement activities, trials, law suits, adjudications, and security arrangements. For specific law enforcement information that may be exempt, please refer to Section 15 of the Act. The exception may not be used to withhold from an applicant the reasons for a decision not to prosecute if the applicant is aware of a police investigation. See the sample letter on page 59 for special procedures to be used under clause 7(2)(c) where appropriate in responding to an application for information which may be exempted under Section 15. This involved information to which the exemption applies, but under Section 7(2)(c), its existence can be neither confirmed nor denied.

6. SOLICITOR-CLIENT PRIVILEGE (Section 16)

The head may choose to withhold information covered by solicitor-client privilege, which is the same privilege as that available at common law.

All direct communications between a solicitor and client or their agents/employees made for the purpose of obtaining professional legal advice or in contemplation of litigation is subject to solicitor-client privilege. Factors that have been considered by the Review Officer are noted in Review Reports 97-75 and 97-76.

Solicitor-client privilege can be waived only by the client. The advice and opinion of the solicitor should be obtained before any waiver of privilege is contemplated.

7. FINANCIAL OR ECONOMIC INTERESTS (Section 17)

Information which could harm the financial or economic interests of the "public body" need not be disclosed. The exemption provides a list of examples of types of information that may be withheld. Included are negotiations of the public body and the possible premature disclosure of projects or proposals. However, for the exemption to be legitimately invoked, there must be damage to the financial or economic interests of the province. If the information is in the form of product or environmental testing carried out by or for the public body, the information must (with two rare exceptions) be released.

8. HEALTH AND SAFETY (Section 18)

If the department head feels disclosure would hurt anyone (including the applicant) physically or mentally, or interfere with public safety, then the information may be withheld.

9. CONSERVATION (Section 19)

The department head can choose to refuse the release of information that might damage various heritage or natural sites, or endangered species or resources.

10. CLOSED MEETINGS OF LOCAL PUBLIC BODIES (Section 19A)

Where an "enactment" authorizes a meeting of a local public body (i.e., university, school board, or hospital) to be held in camera, the public body may refuse to disclose information that would reveal the "substance of deliberations" of the meeting. It may also refuse to disclose draft resolutions, by-laws, or other "legal instruments." The exemption does not apply if the material has been considered later in an open meeting or 15 years have passed.

11. ACADEMIC RESEARCH (Section 19B)

Details of "academic research" conducted by an "employee" of the "public body" in the course of their employment may also be exempted. However, the exemption does not extend to the title of the research project and the amount of funding.

12. CERTAIN UNIVERSITY PERSONAL INFORMATION (Section 19C)

Evaluative or opinion material “in the custody or under the control” of a university and compiled solely for the purpose of determining an applicant’s suitability for appointment, promotion, tenure, academic program admission, or an honour or award, may also be exempted.

13. CERTAIN HOSPITAL RECORDS (Section 19D)

Hospital records, except patient records, used for or arising from any study, research, or program for the purpose of education or improvement in medical care or practice may also be exempted. This provision is similar to Section 60(1) of the *Nova Scotia Evidence Act*, but applies to records rather than the compellability of an individual to testify in any legal proceeding.

14. LABOUR CONCILIATION RECORDS (Section 19E)

Records relating to information of any kind obtained by a conciliation board, conciliation officer or mediator, or certain specified officers appointed under certain statutes may also be exempted. Also, reports, testimony, or proceedings may also be exempted if they meet certain conditions under the section.

15. PERSONAL INFORMATION (Section 20)

Personal information must not be released to an applicant if it would be an “unreasonable invasion of a third party’s personal privacy.” Section 20 goes into great detail about what factors are to be considered, as well as what presumptions and deeming provisions relative to an “unreasonable invasion of a third party’s personal privacy.” If you refuse to disclose personal information supplied in confidence about an application by a third party, under subsection 20(5) you are required to give a summary of the information unless it identifies the third party. The third party may also be allowed to prepare that summary.

16. CONFIDENTIAL BUSINESS INFORMATION (Section 21)

This is also a mandatory exemption it applies to the records subject to the application. For this exemption to apply, the records must meet a three-part test. The records must meet the definition of Section 21(1)(a),(b) and (c). Confidential business information is also treated in the same way as personal information for purposes of third party notice. See page 18 for the procedure. Routine inspections are not considered confidential information. It should be noted, as well, that information prepared or obtained for a tax return must not be disclosed.

Ministerial Appointment Form



Number: Dept.: Date:

- Subject:** Include a short description of the appointment proposed
- Submitted By:** State the name and portfolio of the Minister concerned
- Prepared By:** Insert the name and title of the person who prepared the request so he/she can be consulted for further information, if necessary.
- Reviewed By:** Indicate the name and title of the Director of Finance or senior financial staff who has reviewed the proposal so he/she can be consulted on the financial implications and funding source.
- Deputy Minister:** Name the deputy minister/deputy head of the department that prepared the document to ensure that the he/she is aware of the submission. The deputy minister/deputy head must sign beside his/her signature indicating that he/she supports the submission. In the absence of such signature, the Clerk will confirm the submission of the Ministerial Appointment with the appropriate official or Minister.

APPROVALS	NAME OF BOARD:
_____ Attorney General Approved as to Form and Authority	
The Clerk of the Executive Council Office Date Rec'd. _____	
Received for information by Executive Council _____ Date _____	

Name of Agency, Board or Commission _____

Title of Position for Appointment _____

Authority for Appointment _____

(Please cite statute, regulation, etc. by title and refer to relevant section.)

Particulars of Recommended Appointee

Name _____

Address _____

Telephone: Bus. Res. Other _____

(Please specify - fax, cottage, car)

Is this a reappointment? Yes No Number of previous terms served: _____ Number of previous years served: _____

Nature of Duties _____

(Brief description)

Qualifications _____

(Refer to expertise and representation (i.e. culture, gender, ethnic, regional) required for position, and specific qualifications of recommended appointee. Attach résumé, if available.)

Current Composition of Agency/Board/Commission _____

(Where relevant identify gender, regional representation, etc., experts or persons with experience similar to the applicant.)

If candidate for appointment has been nominated by an organization _____

(Please indicate details.)

If request is for Governor in Council approval of appointment made by another organization _____

(Please indicate details.)

Term of Appointment _____

Date (beginning)

Duration (length)

Time commitment expected _____

(Number and duration of meetings, etc.)

Remuneration _____

(Specify whether already set or new recommendation.)

This Appointment is recommended subject to approval by the Human Resources Committee of the House of Assembly.

Date

Minister

This Appointment is recommended subject to approval by the Human Resources Committee of the House of Assembly.

Date

Executive Council

This Appointment is _____ approved by the Human Resources Committee of the House of Assembly.

Date

Chair

Appendix 3-O STANDING COMMITTEE ON HUMAN RESOURCES GUIDELINES

1. Name of candidate.

2. Name of Agency, Board, or Commission (ABC) and the function of the ABC.

3. What qualifications are necessary to be a member of this ABC?

4. In what respect does this candidate satisfy the qualifications described in question #3?

5. Does the ABC currently meet the affirmative action and gender equality policies of the government?

6. What is the current remuneration for this position on the ABC?

7. If the current remuneration is under review, what was the last known remuneration for this position?

8. If the answer to question #6 is \$100 or more per day, a current resume or CV of the applicant must be attached to this form!

** ***Please note that the information reviewed on any resume or CV will be completed by the Committee "in-camera" and not released to the media excepting that should the applicant be the successful candidate to the position on the ABC. If successful, the resume will be open to public scrutiny.***

9. Was this vacant position advertised within the last 12 months? Please describe in detail when the ad was published and where these advertisements occurred.

10. How many responses came from the advertisements?

11. Was this person solicited to apply for this position?

12. If applicable, list any special circumstances that the department feels the committee should be aware of when considering this appointment. (Letters from the Minister or ABC can be attached)

13. It is my opinion as the Minister responsible for the ABC that from the candidates that applied to the position that this is the best qualified person to carry out the duties of this position.

Date

Signature

Please note that "not applicable" (n/a) is not considered to be an answer to any of the above questions.

Please note that these guidelines may have what some would view as similar information to that contained on the Form "A," however, if both the guidelines and the Form "A" are not filled out in their entirety, the Standing Committee on Human Resources will not approve the appointment.

Transaction	Department Solicitor or Department of Justice	Executive Council Office	Treasury & Policy Board Office	Documentation Required	Comments	Executive Council
Major Corporate Policy	Not unless there is a legal implication	No	Yes	Memorandum to Executive Council Supporting documentation Briefing Note Communications Plan	Proposal may first be considered by TPB and subsequently referred to Executive Council for final approval.	If referred by TPB
Appointments to Agencies, Boards and Commissions	Yes	Yes	Yes	R&R/Ministerial Appointment Form Resume Form "A" (for each appointment) Standing Committee on HR Guidelines (if required). Briefing Note Communications Plan	Where required the recommendation of Executive Council will be referred to the Standing Committee of the House on Human Resources.	Yes
Regulations	Yes	Yes	Yes	R&R Comparison of old and new Regulations with explanation of changes, or explanation of new Regulations Regulations Analysis Form Regulation (Red Tape Reduction) Criteria Check List Briefing Note Communications Plan	All requests to establish, amend, or repeal regulations require TPB office recommendation to the Governor in Council. Regulations approved by Executive Council will be directed to the Registry Regulations. The Regulation(Red Tape Reduction) Criteria Check List is a tool to assist departments as they are developing new regulations and for the ongoing review of existing regulations that impact business. It should cause departments to conduct rigorous policy assessment that includes the impacts and benefits of the proposal. Note: Minor housekeeping amendments do not require the RTR Check List.	Yes
Agreements with the Government of Canada or the government of a province or agency.	Yes	Yes	Yes	Report and Recommendation (R&R) Supporting documentation including: Project Proposal including terms and conditions Briefing Note Communications Plan	Under Section 6 of the <i>Public Service Act</i> , a Member of Executive Council requires Governor in Council approval to enter into an agreement with the Government of Canada or the government of a province or agency. Before submitting a proposal to Executive Council that has intergovernmental implications (federal or other provincial and territorial governments—not municipal or Aboriginal governments), departments are to consult with the Department of Intergovernmental Affairs. The outcome of the consultation must be documented in the formal submission (R&R) to Executive Council.	Yes

Transaction	Department Solicitor or Department of Justice	Executive Council Office	Treasury & Policy Board Office	Documentation Required	Comments	Executive Council
Major Reorganization, Restructuring	Not unless there is a legal implication.	No	Yes	Memorandum to Executive Council, Supporting documentation including: Briefing Note Communications Plan Existing organizational charts, Proposed organizational charts	Major organizational and structural changes require Treasury & Policy Board approval prior to implementation. TPB may refer proposed to Executive Council for final approval.	If referred by TPB
New Programs	No	No	Yes	Memorandum to Executive Council / TPB supporting documentation Briefing Note Communications Plan	All proposals for new programs should be referred to TPB even if approved in budget.	If referred by TPB
Business Process Re-engineering	No	No	Yes	Memorandum to Executive Council Supporting documentation Briefing Note Communications Plan	All major business process re-engineering items should be directed to TPB.	If referred by TPB
Personal Services Contracts	Yes	No	Yes	Memorandum to Executive Council Supporting Documentation Briefing Note Communications Plan	The Personal Services Contract Regulations made pursuant to the <i>Public Service Act</i> require approval of Treasury and Policy Board or Executive Council for personal services contracts entered into by departments, offices or government agencies that contain total compensation over \$120,000. Personal services contracts entered into by a department, office or government agency containing total compensation less than \$120,000 must follow a separate approval process. Please see the Personal Services Contract Regulations and Chapter 2.3 of Management Manual 500 for further information on the approval of personal service contracts.	Yes
Transactions Requiring Governor in Council Approval	Yes	Yes	Yes	R&R Supporting documentation Briefing Note Communications Plan		Yes
Expropriation	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes

Transaction	Department Solicitor or Department of Justice	Executive Council Office	Treasury & Policy Board Office	Documentation Required	Comments	Executive Council
Section 37	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Additional Highway Appropriations	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Agreements related to Sidewalks/Highways	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Land Sale	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map	TPB approval is not required when all of the following conditions occur: <ul style="list-style-type: none"> • total land area of less than 25 acres • the appraised market value is less than \$25,000 • land is sold at the appraised market value or better; or land is purchased for the appraised market value or less • the transaction has the approval of the Minister of the department involved 	Yes
Land Purchase	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Land Exchange * Straight	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
* Value Added	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes

Transaction	Department Solicitor or Department of Justice	Executive Council Office	Treasury & Policy Board Office	Documentation Required	Comments	Executive Council
Rights of Way	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Easement	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Rescind or Alter Land OIC	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Conveyances	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Extinguished Highway Lands	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
Land Lease * In	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes
* Out	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan Map		Yes

Transaction	Department Solicitor or Department of Justice	Executive Council Office	Treasury & Policy Board Office	Documentation Required	Comments	Executive Council
Loan Guarantees	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan	Department of Finance should be consulted on financial implications. All loan guarantees require the signature of the Minister of Finance.	Yes
Industrial Expansion Fund	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan	Department of Finance should be consulted on financial implications. All loan guarantees require the signature of the Minister of Finance.	Yes
N.S. Business Inc. * <\$3,000,000	Yes	No	No	Established by regulation.		No
* >\$3,000,000	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan	Department of Finance should be consulted on financial implications. All loan guarantees require the signature of the Minister of Finance.	Yes
N.S. Farm Loan Board * <\$1,000,000	Yes	No	No	Established by regulation.		No
* >\$1,000,000	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan	Department of Finance should be consulted on financial implications. All loan guarantees require the signature of the Minister of Finance.	Yes
N.S. Fisheries Loan Board * <\$500,000	Yes	No	No	Established by regulation.		No
* >\$500,000	Yes	Yes	Yes	R&R Supporting Documentation Briefing Note Communications Plan	Department of Finance should be consulted on financial implications. All loan guarantees require the signature of the Minister of Finance.	Yes
Corporate Administrative Policies and Procedures	Yes	No	Yes	Memorandum to Executive Council Supporting Documentation Briefing Note Communications Plan Draft Corporate Administrative Policy	All new corporate administrative policies, as well as any material revisions and repeal of corporate administrative policies, require TPB/Executive Council approval. Departments must submit the proposed corporate policy (following the Template for Corporate Administrative Policy Submissions, Appendix 3-R) with the Memorandum to Executive Council along with other required supporting documentation. (See 1.2 Management Manual Policy < http://www.gov.ns.ca/tpb/manuals/100ManagementGuide.htm >)	Yes

Agenda Item # _____

Date: _____

*Give the date this will be on the Cabinet or Cabinet Committee agenda***Department** State the Department, Agency, Public Service Entity (PSE), etc.**Subject:** Give the subject of the submission in a succinct manner, but so that Ministers can glean the topic. Often, the topic on the submission is appropriate.**Background**

1. Begin numbered paragraphs here and continue through the remainder of the document.
2. State the background information that brought about the submission. Be concise—usually a few paragraphs is plenty.
3. Do not include anything you wouldn't want to be FOIPOPed—such things are not background in most cases, so be sure to consider if it really is background.

Proposal

4. Describe the problem the proposal is intending to address and state what the department is requesting. This does not have to be as it is set out in the submission. It may not be clear in the submission. State it so ministers can understand. It is not necessary to cite sections of acts if that is cumbersome—understanding is the key.

Government Agenda

5. State how this submission relates to the corporate agenda or government priorities, or both. Consider the Blueprint, Speech from the Throne, Corporate and departmental business plans.

Financial Considerations

6. State how this request will affect the financial state of the province and department. Give the details, in dollar amounts, for the current and future years.
7. The financial analyst should either complete this section or approve it. Also, the financial analyst should decide if Department of Finance advice is necessary.

Analysis

8. This section was formerly titled "Other Considerations." It should include all relevant issues not covered above that led you to your assessment (e.g., social, economic, stakeholders, consultations, alternatives, legal implications).

Assessment

9. Give your overall conclusion on the issue(s).
Explain if the proposal will
 - achieve the desired results or not
 - be easily implemented
 - be affordable
 - complement or conflict with other policies or priorities

Conclude with your recommendation

- recommended as submitted
- recommended with conditions
- not recommended

This should lead to your final statement of whether the item is recommended. If you do not specifically state "recommended," give the reasons why, the changes you suggest, or the conditions you suggest for approval.

Sign your name here

Type your name here

Notes:

- Don't take sections out—just say N/A.
- Keep it to one page if at all possible.
- Both the Financial and Policy Analyst assigned must review each submission.

Appendix 3-R **Template for Corporate Administrative Policy Submissions**

[Advice to Executive Council]

Policy Statement

A clear, concise statement of the government's policy. It may be formed around a course of action the government wishes to take.

Definitions

A statement of the meaning of words which are used in the policy which require specificity. (*if required*)

Policy Objectives

States the end result that the policy is trying to accomplish or achieve. The objectives are more specific in terms of what government wants to achieve through the development of the policy.

Application

Indicates to whom the policy applies, including the legislation which governs applicability.

Policy Directives

Binding policy requirements that must be followed. Directives are detailed, remove discretion, and are subject to audit.

Policy Guidelines

Non-mandatory recommendations which facilitate discretion and suggest a preferred course of action.

Accountability

Responsibility for objectives which links policy to the resources / positions responsible.

Monitoring

Designates who will monitor the policy's implementation, performance, and effectiveness.

References

A list of all related legislation and other policies which should be consulted or implemented in conjunction with the policy.

Enquiries

Contact information for the staff position(s) to whom questions are to be directed.

Appendices

Mandatory technical details, specialized glossaries, sample forms, and other relevant information.

Policy History

Approval date
Approved by
Effective date

MEMORANDUM TO EXECUTIVE COUNCIL

NUMBER:

DEPT:

DATE:

SUBJECT: *Request for Legislation - Amendments to * Act or new * Act*

SUBMITTED BY:

PREPARED BY:

REVIEWED BY: *Director of Finance*

Departmental Solicitor

(Must be initialled by both)

DEPUTY MINISTER:

SUMMARY:

*The Executive Council is being asked to approve amendments to the * Act to **

or

*The Executive Council is being asked to approved a new * Act *.*

BACKGROUND

- include whether legislation has been previously requested and if so, why it did not go forward*
- include whether the proposal has been previously considered, from a policy perspective, by Executive Council or a Cabinet Committee*
- include needs that give rise to the legislation (e.g., response to a court decision)*
- include what is done in other provinces*

CURRENT SITUATION

OBJECTIVE

EVALUATION

- include specifics of proposal*
- include specific benefits of the proposal*

KEY ISSUE

- address issues such as a need for a particular proclamation date or consequential amendments or issues with key stakeholders, etc.*

CONSULTATION

- identify stakeholders which have been or should be consulted*
- detail consultation that has been done to date and plans for consultation*

ASSESSMENT OF ALTERNATIVES

- identify and assess options—enact legislation/amendments, leave as status quo*

PROPOSED ACTION AND TIMING

- identify in which sitting the department would like to have the proposal move forward*

BENEFITS/LIABILITIES

- identify who will benefit from the proposal and why they will benefit*
- identify who will not benefit from the proposal and why*

IMPLICATIONS

ECONOMIC IMPLICATIONS

RURAL NOVA SCOTIA IMPLICATIONS

SOCIAL IMPLICATIONS

TRADE IMPLICATIONS

LEGAL IMPLICATIONS

- identify whether there is an alternative to achieving objective other than legislation (i.e., regulations or policy, etc.)
- should include a statement that there are no outstanding legal issues with respect to the proposal.

ENVIRONMENTAL IMPLICATIONS

HUMAN RESOURCE IMPLICATIONS

- identify whether the proposal will result in an increase in FTEs

INFORMATION TECHNOLOGY IMPLICATIONS

FINANCIAL IMPACT

- identify whether the proposal is a result of a policy directive resulting from the budget process
- identify whether there will be an increase or decrease in capital or operating expenditures as a result of the proposal
- identify whether the proposal will result in increased expenditures

GOVERNMENT-WIDE IMPLICATIONS

EFFICIENCY/PRODUCTIVITY

INTERGOVERNMENTAL IMPACT

MUNICIPAL IMPLICATIONS

OTHER ISSUES

COMMUNICATION ISSUES AND PLANS

BLUEPRINT COMMITMENT

RECOMMENDATION

*It is recommended that Executive Council approve the request for amendments to * Act as set out in drafting instructions attached hereto as Schedule "A".*

Respectfully submitted,

Minister of _____

Halifax, Nova Scotia
Date

