

Government in Nova Scotia

Nova Scotia is one of 10 provinces and three territories that make up the federation of Canada. Canada is a constitutional monarchy, and the Head of State is Queen Elizabeth II, Sovereign of Canada. The Queen is represented in Canada by a Governor General and in each province by a Lieutenant Governor.

Canada's Constitution Acts, 1867 to 1982, established the federal system in Canada and outlined the division of powers between the federal and provincial governments. Some matters are primarily within federal jurisdiction (such as foreign affairs and defence) and others are under provincial control (such as education and transportation). Some activities and services are regulated by legislation at both levels of government.

THE LIEUTENANT GOVERNOR

The Lieutenant Governor (LG) is the representative of the Queen in the Province of Nova Scotia and carries out constitutional responsibilities at a provincial level.

The Lieutenant Governor, together with the House of Assembly, forms the Legislature of the Province of Nova Scotia.

- The LG calls the House of Assembly into session and prorogues and dissolves the House of Assembly.
- The LG reads the Speech from the Throne at the opening of the Session of the Legislature.
- The LG gives Royal Assent (approval) to legislation.
- The Lieutenant Governor and the Executive Council together form the Government of Nova Scotia, the executive branch of government.
- The LG signs Orders-in-Council, the recorded decisions of the Executive Council.
- The LG appoints Members of the Executive Council on the advice of the Premier.

The Lieutenant Governor also has a number of ceremonial duties, including

- receiving representatives of other governments and institutions
- signing official documents such as proclamations

The Lieutenant Governor is responsible for ensuring that there is always a government in place. As with the Governor General, the Lieutenant Governor technically has the power to dismiss a government for unlawful or unconstitutional

actions and can refuse a decision of the Executive Council if it is in the public interest to do so. However, the royal representative rarely uses this power to upset the affairs of an elected government, and the Crown's presence is more ceremonial in nature.

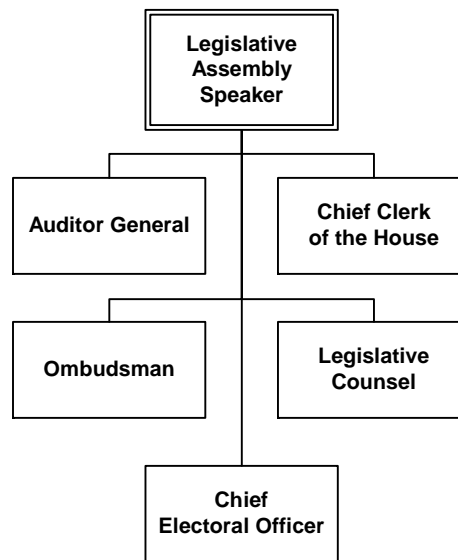
If the Lieutenant Governor is absent from the Province, the Chief Justice of Nova Scotia takes his or her place and is referred to as the Administrator of the Government of the Province of Nova Scotia.

Branches of Government

There are three branches of government in Nova Scotia: the Legislature, Executive branch (Executive Council), and the Courts.

THE LEGISLATURE

The Legislature consists of the Lieutenant Governor and an elected legislative assembly called the House of Assembly.



The 52 Members of the House of Assembly (MLAs) are elected by voters in electoral districts. While an election can be called at any time, no elected assembly may sit for more than five years. The House must meet at least twice a year.

The House of Assembly's main functions are to

- consider, enact, amend, and repeal legislation
- debate policies put forward by the Executive Council and authorize spending, taxing, and borrowing by the provincial government

These functions are supported by two offices of the Legislature as well as by a number of administrative offices

Office of the Clerk of the House

The Chief Clerk of the House is responsible, under the Speaker, for all proceedings and reports of the Legislative Assembly, and for matters related thereto.

Office of the Legislative Counsel

The Legislative Counsel prepares all legislation, provides counsel and support services to committees of the House, and prepares annual, consolidated, and revised statutes.

Three independent offices, the Office of the Auditor General, the Office of the Ombudsman, and the Chief Electoral Office, also report to the House of Assembly.

Office of the Auditor General

The Auditor General is a servant of and reports to the House of Assembly. The Auditor General's responsibilities and authorities are derived from the *Auditor General Act* and other legislation. The *Auditor General Act* specifies the responsibility to examine the accounts of the province and its various agencies and transfer payment recipients and the requirement to report to the House of Assembly on the government's stewardship of public funds and public property.

The Auditor General helps the House of Assembly hold government accountable by performing independent examinations of and reporting on

- the credibility of financial statements and other government accountability reports
- compliance with legislation, regulations, agreements, and policies
- adequacy of systems and controls
- extent of due regard for economy and efficiency in the management and use of public funds or public property.

Office of the Ombudsman

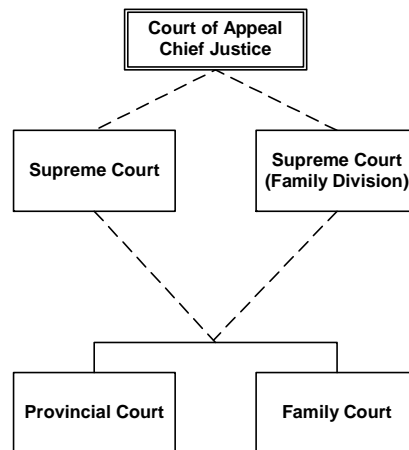
The Ombudsman is empowered to hear and investigate personal complaints from individuals who feel they have been done a disservice by municipal or provincial government departments in Nova Scotia. The Ombudsman may use his or her investigatory powers to correct injustices or to guide complainants in the right direction to have their grievances rectified. The Ombudsman may also recommend appropriate measures to government departments.

The Ombudsman can help settle only those grievances arising from the administration of laws and regulations of government departments and agencies. These may be in the form of unreasonable delays, administrative errors, oversight, negligence, abuse of authority, inefficiency, etc. The Ombudsman has no jurisdiction over decisions made by judges, magistrates, or justices; by the Executive Council or its committees; or by private companies and individuals.

Chief Electoral Office

The Chief Electoral Officer is responsible for the administrative aspects of provincial elections. In that connection he or she

- issues instructions to returning officers, and through them to other election officers such as enumerators, deputy returning officers, and poll clerks
- provides election officers with sufficient supplies and materials for the efficient conduct of elections
- enforces on the part of election officers fairness, impartiality, and compliance with the *Elections Act*.



THE COURTS

The Courts, the judicial branch of government, is independent of the legislative and executive branches. There are four courts in Nova Scotia, each responsible for hearing different kinds of cases.

Nova Scotia Court of Appeal

The Court of Appeal is the highest court in the province. It hears appeals in civil and criminal matters from the Supreme Court and in civil (Family) matters from the Family Court. The Chief Justice of the Court of Appeal is the Chief Justice of Nova Scotia.

Supreme Court of Nova Scotia

The Supreme Court of Nova Scotia has civil and criminal jurisdiction and power and authority to hold jury trials, to try murder cases (except for young offenders), and to grant divorces and deal with matrimonial property. The Supreme Court sits as an appeal court on Provincial Court and Small Claims Court matters. Judges of the Supreme Court are also probate and bankruptcy judges.

The Supreme Court (Family Division) is located in Halifax, Sydney, and Port Hawkesbury. (There is no Family Court in these areas.) The Supreme Court (Family Division) hears all family matters, including maintenance, custody/access, and child protection matters. It is also a Youth Court for young persons aged 12–15.

Family Court

The Family Court sits province-wide except in Halifax Regional Municipality, Sydney, and Port Hawkesbury. This court handles family-related issues, including maintenance, custody/access, and child protection matters. It is also a Youth Court.

Provincial Court

This court has exclusive jurisdiction over all summary offences under provincial statutes and federal acts and regulations and exclusive jurisdiction over certain indictable offences.

THE EXECUTIVE BRANCH

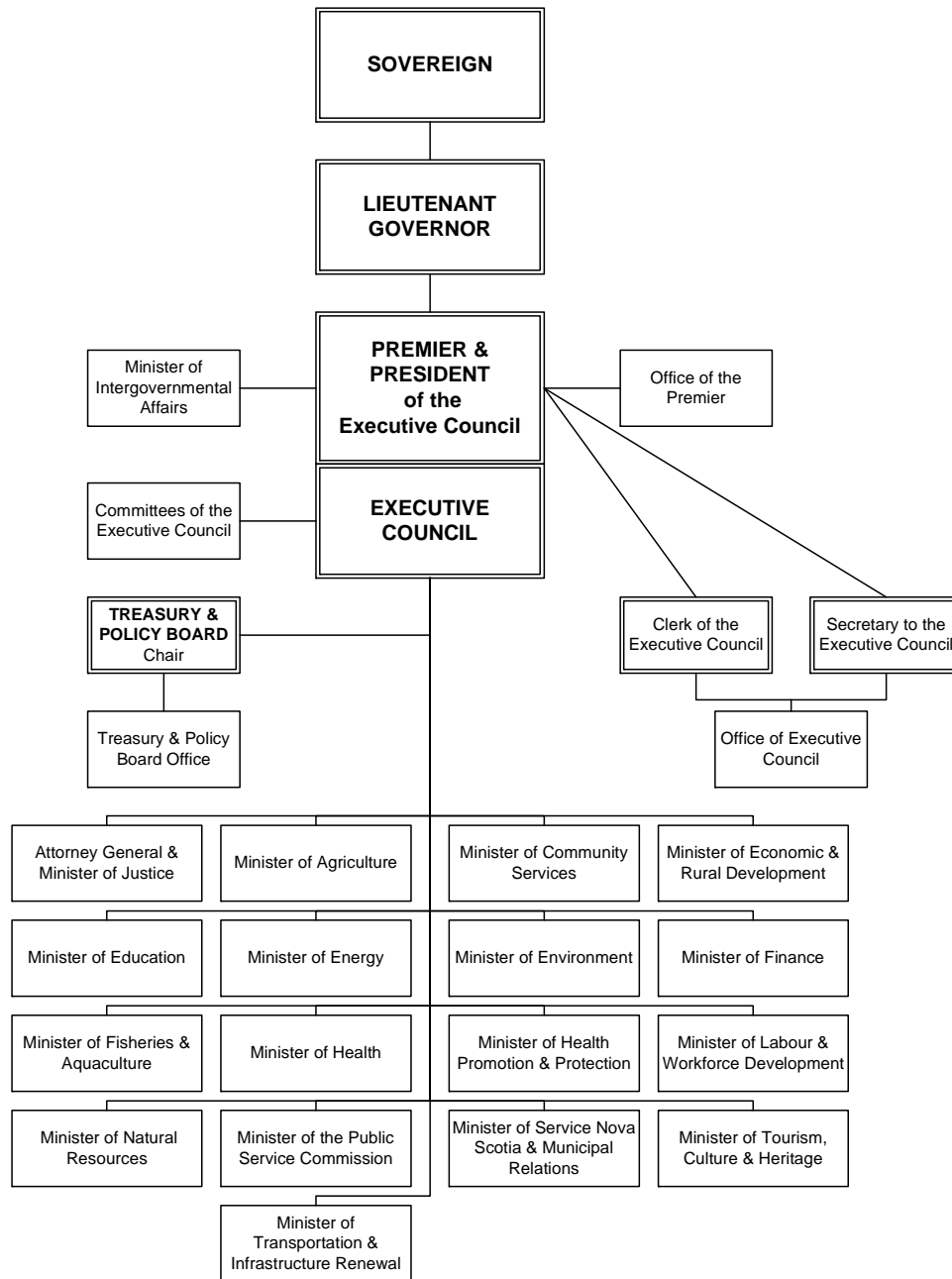
The Executive Branch of government is generally referred to as the government. Technically, the word government means the Lieutenant Governor acting by and with the advice of the Executive Council, correctly referred to as the Governor-in-Council.

Executive Council is the decision-making authority for the Government of Nova Scotia.

Members of the Executive Council, known as Ministers, collectively form the Executive Council, also known as Cabinet. By convention, Executive Council ministers are normally MLAs.

Ministers are chosen by the Premier and appointed by the Lieutenant Governor, pursuant to the *Executive Council Act*. By tradition in Nova Scotia, the Premier is appointed President of the Executive Council.

Executive Councillors are Ministers of the Crown, whether or not they have been appointed to preside over a department. Appointments are made under the Great Seal of the Province to hold office and preside over departments.



The *Executive Council Act* lists the Ministers' offices. Ministers are assigned to oversee one or more government departments or agencies, along with other duties as prescribed by statute. A Minister without Portfolio is the title given to a member of the Executive Council who does not preside over a department.

The Governor-in-Council may from time to time assign other responsibilities to any department or member of the Executive Council.

Executive Council Responsibilities

The Executive Council exercises the formal executive powers of the Crown. Its formal actions are those of the Governor-in-Council, and its recorded decisions are Orders-in-Council.

The Executive Council may do only those things that are permitted by the House of Assembly through legislation and, to a much lesser extent, those things that are permitted by way of prerogative power, such as making appointments.

The Executive Council determines the government's policies and priorities and is responsible for their execution. The Executive Council meets regularly to agree on the broader goals, policies, and programs for the Province of Nova Scotia and account for their decisions through debate in the House of Assembly.

The Executive Council makes key policy decisions, including proposals for spending, taxing, and borrowing; directing the administration and delivery of government programs; and proposing new legislation or amendments to existing legislation. These decisions, however, are subject to debate and votes by the Legislative Assembly.

The Executive Council has the responsibility for the operations and management of government, for guiding the government's program and legislation in the House of Assembly, and for leadership in House operations and transactions.

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.

Executive Council discussions are confidential. Ministers swear an oath of confidentiality and are not permitted to reveal the substance of deliberations in Executive Council meetings. Executive Council decisions are made by consensus, and Ministers are bound to support Executive Council decisions.

Premier

By custom, the Premier or First Minister is chosen by the party having the most seats in the House of Assembly. The Premier also serves as President of the Executive Council.

The Premier is responsible for managing the Executive Council decision-making process and establishing the organization and methods of operation of Executive Council and its main committee, Treasury and Policy Board.

Responsibility as Members of the Executive Council

Collective responsibility is a long-established principle of the parliamentary system. It applies to the executive action taken by the Executive Council as well as to the formulation of policy by the Executive Council.

Individually, members of the Executive Council are responsible to the House of Assembly (and to their colleagues) for specific duties assigned to them.

Every department, board, commission, committee, or other provincial agency of the Crown reports to the House of Assembly through a Minister. The Minister is directly responsible with respect to general policy and at least for the selection of commissioners or board members in respect of their effectiveness. The degree of control and the extent of accountability vary according to the type of agency and the provisions of the act of the legislature under which it was established.

Where a department is established (or continued) by an act, and otherwise by convention, the Minister shall

- preside over and have charge of the department
- be responsible for the administration of the act and the regulations.

A Minister may be given responsibility for the administration of any act either by a specific provision in that statute, in an act relating to the department, or by order-in-council, pursuant to the *Public Service Act*.

Powers of a Minister apply also to a Minister acting, the successors in office, or the deputy minister.

COMMITTEES OF THE EXECUTIVE COUNCIL

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 of the Treasury and Policy Board and not fewer than four other members of the Executive Council as designated by the Governor in Council.

The Treasury and Policy Board acts as a committee of the Executive Council on the following matters:

- 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 government agencies, and approval of structures and functions within those departments and agencies.

Labour Relations Committee

The Labour Relations Committee is a sub-committee of the Treasury and Policy Board, with all its legislative authority. The responsibility of the Labour Relations Committee shall be to review and decide all matters in regard to timely and proper examination and management of civil service and public service labour relations issues.

The Labour Relations Committee shall be composed of a Chair, namely the Chair of Treasury and Policy Board, and the Minister of Community Services, Minister of Education, Minister of Finance, Minister of Health, Minister of the Public Service Commission, and other members of the Executive Council as their respective departments are involved/impacted.

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

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

All matters and things coming before the Labour Relations Committee are subject to Cabinet Privilege to the extent that they would be if they came before the Executive Council.

Legislative and Regulatory Review Committee

The Legislative and Regulatory Review Committee is a standing committee of the Executive Council and shall report to the Executive Council. The responsibilities of the Legislative and Regulatory Review Committee shall be to prepare and implement the government's legislative agenda as well as review and analyse all proposed significant major regulations or amendments to regulations prior to their submission to Executive Council for approval, and to focus on reducing duplicative and unnecessary regulations.

The Legislative and Regulatory Review Committee shall be composed of a Chair, namely the Minister of Justice, Chair of Treasury and Policy Board, Minister of Finance, Minister of Labour and Workforce Development, Minister of the Public Service Commission, Caucus Chair, Deputy Government House Leader and others invited as required to review legislation.

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

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

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

Issue Committee(s)

An Issue Committee(s) may be established as a sub-committee of the Treasury and Policy Board and shall report to the Treasury and Policy Board and/or Executive Council. The responsibility of the Issue Committee(s) shall be to review all matters dealing with specific topics of importance as they arise, especially when issues are of a corporate or government-wide nature that require approval of Treasury and Policy Board and/or Executive Council.

The Issue Committee(s) shall be composed of a Chair, namely the Chair of Treasury and Policy Board, Minister of Finance, Minister of Justice, and other ministers named as standing members or invited as appropriate for the issue under consideration.

All matters and things coming before the Issue Committee(s) are subject to Cabinet Privilege to the extent that they would be if they came before the Executive Council.

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

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

CENTRAL GOVERNMENT OFFICES

In Nova Scotia, the Premier and the Executive Council are supported in the exercise of their responsibilities by the Premier's Office, the Executive Council Office, and the Treasury and Policy Board office.

The Deputy Minister to the Premier, who also acts as Deputy Minister to Communications Nova Scotia, 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. These complementary roles allow the Deputy Minister to serve as a formal link between the Executive Council and the public service.

This same Deputy Minister, as Head of the Public Service, provides leadership of the public service and oversees and evaluates the work of all deputies. The senior deputy leads a weekly meeting of deputy ministers to discuss government policies, proposals, and issues.

As Deputy Minister of Communications Nova Scotia, he is accountable for ensuring that government plans and programs are well communicated inside and outside of government.

Office of the Premier

The Office of the Premier supports the Premier in carrying out the functions demanded of the head of government, leader of a political party, and Member of the House of Assembly. Its staff are primarily appointed by the Premier.

Premier's Office staff provide the Premier with policy and political advice; they also deal with day-to-day matters in the legislature and ensure political liaison with Caucus and the party.

The office also provides practical administrative support for the Premier, including coordinating his agenda, travel, and media relations and preparing correspondence.

Executive Council Office

The Executive Council Office is the Cabinet secretariat reporting directly to the Premier.

The Secretary to Executive Council is responsible for establishing the agenda and the business of the Executive Council. The Secretary is also responsible for recording and communicating the decisions of the Executive Council to government departments, agencies, boards, and commissions, maintaining Executive Council records, and coordinating the committees of the Executive Council.

The Clerk of the Executive Council ensures that submissions to the Executive Council meet legal requirements, prepares and processes Order-in-Council appointments, and works with departments on Executive Council matters.

Executive Council Office administers the House of Assembly rules governing appointments to government agencies, boards, and commissions and assists departments in the House of Assembly–Human Resources Committee process.

Treasury and Policy Board (TPB) Office

The TPB office, headed by a Deputy Minister, provides policy and financial analysis to support TPB and to fulfill the statutory responsibilities of a central government agency.

Its mandate includes assisting government in broad corporate planning and policy development, as well as in development and promotion of government's agenda. It provides policy and financial analysis for all submissions to Executive Council and TPB.

To support the TPB committee's responsibility for financial management of government expenditures, the TPB office directs the planning and review of the budget process and preparation of budget documents. This is accomplished by working in close co-operation with the Department of Finance.

It also has broad responsibilities for corporate management, including development and monitoring of administrative standards and processes. TPB assists the Deputy Minister to the Premier in his capacity as Senior Deputy Minister responsible for leading senior officials and deputy ministers and advising on the organizational structure and functions of government.

Intergovernmental Affairs (IGA)

The mission of Intergovernmental Affairs is to preserve and promote the province's interests in relations with other governments. The Premier is the Minister.

Principal areas of current activity include promotion of Nova Scotia's interests with the federal, provincial, and territorial governments and relations with the Conference of Atlantic Premiers/Council of Maritime Premiers, the New England Governors/Eastern Canadian Premiers Conference, the Council of the Federation, and representatives of foreign states.

Led by the Deputy Minister of Intergovernmental Affairs, staff research and track issues and co-operate with departments to develop intergovernmental policy, handle negotiations with other governments, and brief and advise the Minister, who speaks for the province at conferences at the First Ministers' level.

Department of Finance

The Department of Finance provides leadership, expertise, analysis, and advice to government on financial, budgetary, taxation, fiscal, economic, and statistical matters. Matters related to comptrollership reside here, along with responsibilities for debt management and treasury and internal audit.

Its mandate is to establish a fiscal climate conducive to economic growth and to provide central agency support and policy direction for effective management of the province's finances, as well as pensions administration.

Current priorities include achieving financial accountability, enhancing the province's fiscal interests, providing corporate services, and effective money management, ensuring responsible regulatory environment, and developing a quality organization.

Public Service Commission (PSC)

The Public Service Commission focuses on labour relations and human resources management of government and the broader public sector, in four key areas:

- development and implementation of high-quality human resource policy, programs, and services
- ensuring, through audit and evaluation, high quality human resource management principles, values, and practices

- ensuring fair and consistent treatment of staff (including fair and effective hiring processes)
- acting as government's agent for collective bargaining for all direct employees of government which will include, in addition to the civil service, highway workers and correctional workers.

Communications Nova Scotia (CNS)

Communications Nova Scotia is the central agency responsible for coordinating external and internal communications activities, both at the corporate level and within departments.

Its deputy minister is also Deputy Minister to the Office of the Premier, and CNS staff work closely with staff in those offices.

GOVERNMENT DEPARTMENTS AND OFFICES

The Nova Scotia Government is organized into departments, offices and Crown corporations.

Legislation authorizes departments, offices, agencies, and Crown corporations to administer and deliver programs and services.

Departments have line and staff functions. Line groups deliver services directly to clients, often through regional and district offices. Staff groups coordinate the departments' policies in the areas of finance, administration, personnel, communication, and other services.

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, including

- carrying out government policies
- implementing decisions made by the Minister and the Executive Council
- providing information to assist the Minister in making decisions
- leading the department's staff.

Small offices carry out similar functions under either a chief executive officer or an executive director, who may or may not report to a deputy minister.

Departments

Department of Agriculture
Department of Community Services
Department of Economic and Rural Development
Department of Education
Department of Energy
Department of Environment
Department of Finance
Department of Fisheries and Aquaculture
Department of Health
Department of Health Promotion and Protection
Department of Intergovernmental Affairs
Department of Justice
Department of Labour and Workforce Development
Department of Natural Resources
Department of Seniors
Department of Service Nova Scotia and Municipal Relations
Department of Tourism, Culture and Heritage
Department of Transportation and Infrastructure Renewal

Offices/Public Service Entities

Communications Nova Scotia
Conserve Nova Scotia
Emergency Management Office
Executive Council
 Executive Council office
 Office of Aboriginal Affairs
 Office of Acadian Affairs
 Office of African-Nova Scotian Affairs
 Office of the Premier
 Public Service Commission
 Treasury and Policy Board office
 Voluntary Planning
FOIPOP Review Office
Human Rights Commission
Legislative Services
 Office of Legislative Council
 Office of the Speaker

Nova Scotia Advisory Council on the Status of Women
Nova Scotia Arts Council (inactive)
Nova Scotia Pension Agency
Nova Scotia Police Review Board
Nova Scotia Securities Commission
Nova Scotia Utility and Review Board
Office of the Auditor General
Office of Immigration
Office of the Ombudsman
Public Prosecution Service
Senior Citizens' Secretariat
Sydney Tar Ponds Agency

Crown Corporations

Art Gallery of Nova Scotia
Halifax/Dartmouth Bridge Commission
Harbourside Commercial Park Incorporated
Nova Scotia Business Incorporated
Nova Scotia Crop and Livestock Insurance Commission
Nova Scotia Farm Loan Board
Nova Scotia Film Development Corporation
Nova Scotia Fisheries and Aquaculture Loan Board
Nova Scotia Gaming Corporation
Nova Scotia Government Fund Limited
Nova Scotia Harness Racing Incorporated
Nova Scotia Housing Development Corporation
Nova Scotia Innovation Corporation
Nova Scotia Lands Incorporated
Nova Scotia Liquor Corporation
Nova Scotia Municipal Finance Corporation
Nova Scotia Power Finance Corporation
Rockingham Terminal Inc.
Sydney Environmental Resources Ltd.
Sydney Steel Corporation
Trade Centre Limited
Waterfront Development Corporation Ltd.