

Chapter 3: Submissions to Executive Council

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Chapter 3: Submissions to Executive Council

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3.1 Introduction

Purpose of the Procedures Guide

This guide explains the process for preparing and submitting proposals to Executive Council and/or its committees 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.

Discussions of the Executive Council are made by consensus and 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/Clerk to the Executive Council/Deputy Minister to the Premier,
- the Deputy Minister of Policy and Priorities,
- the Executive Director of the Executive Council Office,
- the Premier’s Chief of Staff,
- the Premier’s Principal Secretary, 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(see Legislation Committee).

COMMITTEES OF THE EXECUTIVE COUNCIL

All matters and things coming before the committees of Executive Council are subject to confidentiality 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 the Executive Council.

The Deputy Minister to the Premier, the Deputy Minister of the Treasury Board Office, the Deputy Minister of the Office of Policy and Priorities, 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.

Treasury Board

Treasury Board, established pursuant to Section 9 of the *Public Service Act*, 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 Board is composed of the Chair of the Treasury Board and not fewer than four other members of the Executive Council as are designated by the Governor in Council.

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

- 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;
- making 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;
- examination and reporting 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;
- examination, reporting, and direction 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;
- establishment of 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;
- establishment of 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;

- determination of the management information systems to be used on the ongoing management and operation of departments, offices or government agencies
- taking any action deemed appropriate to ensure the ongoing governance and operation of departments, offices or government agencies is in compliance with the *Public Service Act*.

Policy and Priorities Committee

Policy and Priorities Committee, established pursuant to Section 11 of the *Public Service Act*, is a committee of the Executive Council charged with establishing plans and policies for the operation of the government of the Province and for ensuring that they are developed in a co-ordinated manner.

The Policy and Priorities Committee consists of the Minister of Policy and Priorities and not fewer than four other members of the Executive Council as are designated by the Governor-in-Council.

The Policy and Priorities Committee acts as a committee of the Executive Council on the following matters:

- providing leadership in the development and implementation of the core program of the government;
- the communication of the Government's priorities to deputy ministers and departments;
- ensuring the co-ordination of policy agendas across government departments and facilitation of horizontal linkages and corporate initiatives;
- the facilitation of two-way communications on corporate policy matters between deputy ministers and their departments and the Executive Council;
- the identification and assessment of emerging policy issues and provision of directions for the management of these issues;
- ensuring effective accountability in the formation and implementation of public policy;
- the identification and prioritization of policy issues, selection of policy initiatives and direction of action on policy issues and initiatives;
- making 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 the departments and agencies.

Legislation Committee

The Legislation Committee is a committee of the Executive Council charged with reviewing and analysing legislative proposals and making recommendations to the Executive Council as to the government's legislative agenda.

The Legislation Committee currently consists of the Chair (Government Caucus MLA), three Cabinet ministers, five Government MLAs, and others invited as required.

Those members of the Legislation Committee who are not also members of the Executive Council swear an Oath of Confidentiality.

Enquiries

Manager, Executive Council Office
(902) 424-6614

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

Proposals should be prepared in conjunction with departmental policy staff. This ensures that submission procedures are properly followed and all policy issues are identified.

DEPARTMENTAL COMMUNICATIONS STAFF

Department communications staff should be informed of the possibility of moving forward with a proposal to Executive Council and/or its committees 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 submission to Executive Council 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, assist in preparing 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

Proposals should be prepared 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. Submissions will not be considered by the Executive Council and/or its committees without this signoff.

HUMAN RESOURCES CORPORATE SERVICE UNIT

Proposals should be reviewed with your HR Corporate Service Unit consultant to determine HR implications.

INFORMATION TECHNOLOGY CORPORATE SERVICE UNIT

Proposals should be reviewed with your IT Corporate Service Unit consultant to determine IT implications.

WORKING WITH THE DEPARTMENT OF FINANCE/TREASURY BOARD OFFICE

Consult with the Department of Finance/Treasury Board Office on the following issues before forwarding items to the Executive Council Office:

- capital items
- approval for transactions containing net debt obligations (see below)
- 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)

APPROVAL FOR TRANSACTIONS CONTAINING NET DEBT OBLIGATIONS

Section 77 of the *Finance Act* requires Governor in Council approval to enter into a net debt 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 to enter into the net debt obligation is presented to the Minister of Finance. Upon receipt of

such recommendation, the Minister shall forward the R&R and Section 77 report to the Executive Council office for Governor in Council consideration. 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 an Executive Council requirement but rather a tool for departments. (See Appendix 3-G).

Enquiries

Manager, Executive Council Office
(902) 424-6614

3.3 Report and Recommendation to Executive Council

Matters delegated by the Legislature in statutes to the Governor in Council (Lieutenant Governor acting with the advice of Executive Council) are documented and submitted to the Executive Council office by the responsible minister 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. 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 final 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, 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.”

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.

The deputy head will initial the R&R next to his or her name on the first page of the document, signifying deputy head the accuracy of the facts and 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 Office.

The signed R&R is forwarded to the Executive Council Office, where it is logged and forwarded to the respective Treasury Board and Policy and Priorities analysts for analysis before it is submitted to Executive Council and/or its committees for consideration.

After consideration by the Executive Council, the R&R is returned to the Clerk of the Executive Council, who prepares the Order In Council (OIC) for signature by the Lieutenant Governor, confirming the decision of Executive Council.

SUPPORTING DOCUMENTS

- Communications Plan (Appendix 3-B)

Communications Plan

Communications plans (Appendix 3-B) are intended to provide ministers with information on the communications impact of the request to be considered and must accompany all submissions to Executive Council and/or its committees. 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 Recommendations Requesting Regulations

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 Governor in Council to act.

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 R&R to the department/solicitor.

The deputy head will initial the R&R next to his or her name on the first page of the document, signifying deputy head the accuracy of the facts and 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 Office. (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)
- Communications Plan (Appendix 3-B)

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.

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

NON-ADJUDICATIVE ABCS

An R&R (Appendix 3-T) 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). A communication plan (Appendix 3-B) is also required.

All pertinent circumstances that make the request necessary should be recorded in the R&R or Ministerial Appointment form. This includes the name and county 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.

SUPPORTING DOCUMENTS

- Form “A” (Appendix 3-N)
- Standing Committee on Human Resources Guidelines (Appendix 3-O)
- Communications Plan (Appendix 3-B)
- Applicant’s cover letter and resume

Form “A”

The Form “A” (Appendix 3-N) must be submitted on 8 1/2” X 11” paper 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 on 8 1/2” X 11” paper. 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 original 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 original documents to the Clerk of the Executive Council. The Clerk will then (a) prepare the Order in Council requested by the R&R and process it for signature by the Lieutenant Governor, or (b) a Ministerial Appointment is prepared and forwarded to the Department for the Minister’s signature.

ADJUDICATIVE ABCS

In the case of adjudicative boards, the R&R or Ministerial Appointment form 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.

Enquiries

Manager, Executive Council Office
(902) 424-6614

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 responsible minister in a Memorandum to Executive Council (see Appendix 3-D).

A Memorandum to Executive Council is used to seek approval for all significant policy decisions in government such as:

- major corporate policy
- major reorganization, restructuring
- business process re-engineering
- new programs (even if approved in budget)
- personal service contracts (if Treasury Board or Executive Council approval is required)
- corporate administrative policies and procedures

Memoranda to Executive Council should be prepared by the department 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 the accuracy of the facts and approval for the proposal to move forward to the responsible minister.

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

The signed memorandum is forwarded to the Executive Council Office, where it is logged and forwarded to the respective Treasury Board and Policy and Priorities analysts for analysis before it is submitted to Executive Council and/or its committees for consideration.

After consideration by the Executive Council, the memorandum is returned to the Secretary to the Executive Council, who prepares a Minute Letter, addressed to the responsible minister, confirming consideration of the matter and the decision of Executive Council or its committee.

SUPPORTING DOCUMENTS

- Communications Plan (Appendix 3-B)

Communications Plan

Communications plans (Appendix 3-B) are intended to provide ministers with information on the communications impact of the request to be considered and must accompany all submissions to Executive Council and/or its committees. 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-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

Manager, Executive Council Office
(902) 424-6614

3.5 Receipt and Review of Proposals by Executive Council Office, Office of Policy and Priorities and Treasury Board Office

Upon signature by the minister, proposals are forwarded to the Executive Council Office (ECO). The Executive Council Office reviews the submission for proper legal authority, logs the submission and forwards it to the Office of Policy and Priorities (OPP) and Treasury Board Office (TBO) analysts for staff analysis.

Working with your Analysts

The OPP and TBO analysts assess the proposal against a series of criteria including the following:

- consistency with government's framework of strategic priorities (such as JobsHere, etc.)
- consistency with the corporate agenda
- 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

The process works best when there is a good working relationship between the department and the analysts. The 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 and bi-weekly scheduled meetings of senior staff from the Executive Council Office, Treasury Board Office and Office of Policy and Priorities. It is also highly recommended that proposals to Executive Council and/or its committees on major issues are forwarded to the assigned analyst(s) while in draft form. This helps to streamline the process.

Assignments of analysts will change periodically and the offices will forward updates to departments as necessary.

The Executive Council Office Director of Communications and the assigned analysts will review the communications plan (Appendix 3-B) submitted with the proposal.

The analysts 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. Analysts may also consult other departments and central agencies as necessary.

Finally, the analysts will complete their Staff Assessment (Appendix 3-Q).

The staff assessment concludes with the analysts' recommendation. If the analysts are recommending changes, or 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 analysts 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 analysts are responsible for updating the department on the status of a submission, including advice regarding whether and when a proposal is ready to be forwarded to Executive Council and/or its committees.

Executive Council Requirements

Submissions to Executive Council, complete with all supporting documentation, should be submitted to ECO at least three weeks in advance of when the department requires a decision of the Executive Council or its committees. This ensures sufficient time for analysis, briefings, and preparation time.

For very detailed, complicated, or pressing issues, a presentation to Executive Council or its committees may be required. If it is determined that a presentation will be made, the appropriate analyst or Manager of Executive Council Office 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 Manager, Executive Council Office at least one week before the scheduled presentation. It then becomes part of the official documentation. Presentations should be limited to no more than ten 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

Manager, Executive Council Office
(902) 424-6614

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 Clerk of the Executive Council and the date on which it was approved.
- Matters which are stood will remain on the agenda 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 in Council for signature of the Lieutenant Governor. 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 Governor in Council, 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 R&R or Ministerial Appointment form and Form “A” is signed and dated by the Clerk of the Executive Council, indicating Executive Council approval of the requested appointment. The Clerk of the Executive Council will separate the Form “A” and Human Resources Guidelines form (Appendix 3-O) 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 pursuant to Rule 60 of the Rules and Forms of Procedure of the House of Assembly. 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, a Ministerial Appointment is prepared by the Clerk of the Executive Council and forwarded to the responsible department for signature by the Minister.

If the Standing Committee on Human Resources 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 the entire submission to the responsible Minister.

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

Decision Process on Memorandum to Executive Council

After the Executive Council or its committees consider a memorandum, the Secretary to the Executive Council or the Recording Secretary for the committee prepares a Minute letter to reflect decisions taken by Executive Council or its committees. 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
- direction provided

All Minute letters are addressed to the responsible minister and a copy sent to the deputy head of the submitting department(s).

Enquiries

Manager, Executive Council Office
(902) 424-6614

3.7 General Formatting Instructions and Timelines

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

- All R&Rs, Memoranda, Ministerial Appointment forms and all supporting documentation including communications plans must be on 8½ X14 paper (legal size) and single sided. The exception to this rule include Form “A”s, Standing Committee on Human Resource Guidelines and Regulations which should be on 8½ X11 paper (letter size).
- Arial font should be used
- The titles of the proposals should be in Arial 14
- The main part of the proposals and related attachments should be in Arial 11
- 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, complete with all supporting documentation, should be submitted to ECO at least three weeks in advance of when the department requires a decision of the Executive Council or its committees. This ensures sufficient time for analysis, briefings, and preparation time.

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

| | |
|--------------|---|
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| Appendix 3-Q | Executive Council Staff Assessment |
| Appendix 3-R | Template for Corporate Administrative Policy Submissions |
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Enquiries

Manager, Executive Council Office
(902) 424-6614

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.

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 information technology. 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 71 of the *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 Executive 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. Also known as Cabinet.

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. (This form must always be submitted on 8½ X 11 paper).

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.

ISSUE COMMITTEE

An Issue Committee(s) may be established as a sub-committee of the Executive Council. The Issue Committee shall review all matters dealing with specific topics of importance as they arise, especially when issues are of a corporate or government-wide nature.

LEGISLATION COMMITTEE

A standing committee of the Executive Council tasked with preparing and implementing the government’s legislative agenda. The 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 the Executive Council or its committees 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, a Minute Letter is addressed to the Minister who presented the document to Cabinet or its committees for its consideration with a copy to the Deputy Minister.

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. Although not requiring Cabinet approval, the Ministerial Appointment does appear on the Cabinet Agenda as an information item only.

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.

POLICY AND PRIORITIES COMMITTEE

A committee of the Executive Council charged with establishing plans and policies for the operation of government of the Province and for ensuring that they are developed in a coordinated manner.

POLICY AND PRIORITIES OFFICE

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

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 THE EXECUTIVE COUNCIL

Person appointed to be responsible for establishing the agenda and the business of Executive Council and its committees.

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 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 BOARD OFFICE

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

Appendices

| | |
|--------------|---|
| Appendix 3-A | How Legislation is Prepared and Enacted |
| Appendix 3-B | Communications Plan |
| Appendix 3-C | Report and Recommendation to Executive Council |
| Appendix 3-D | Memorandum to Executive Council |
| Appendix 3-F | Sample 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 | R&R - Section 6, 77, and 78 |
| 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-Q | Executive Council Staff Assessment |
| Appendix 3-R | Template for Corporate Administrative Policy Submissions |
| Appendix 3-S | Memorandum to Executive Council - Request for Legislation |
| Appendix 3-T | R&R - Appointments to Agencies, Boards and Commissions |

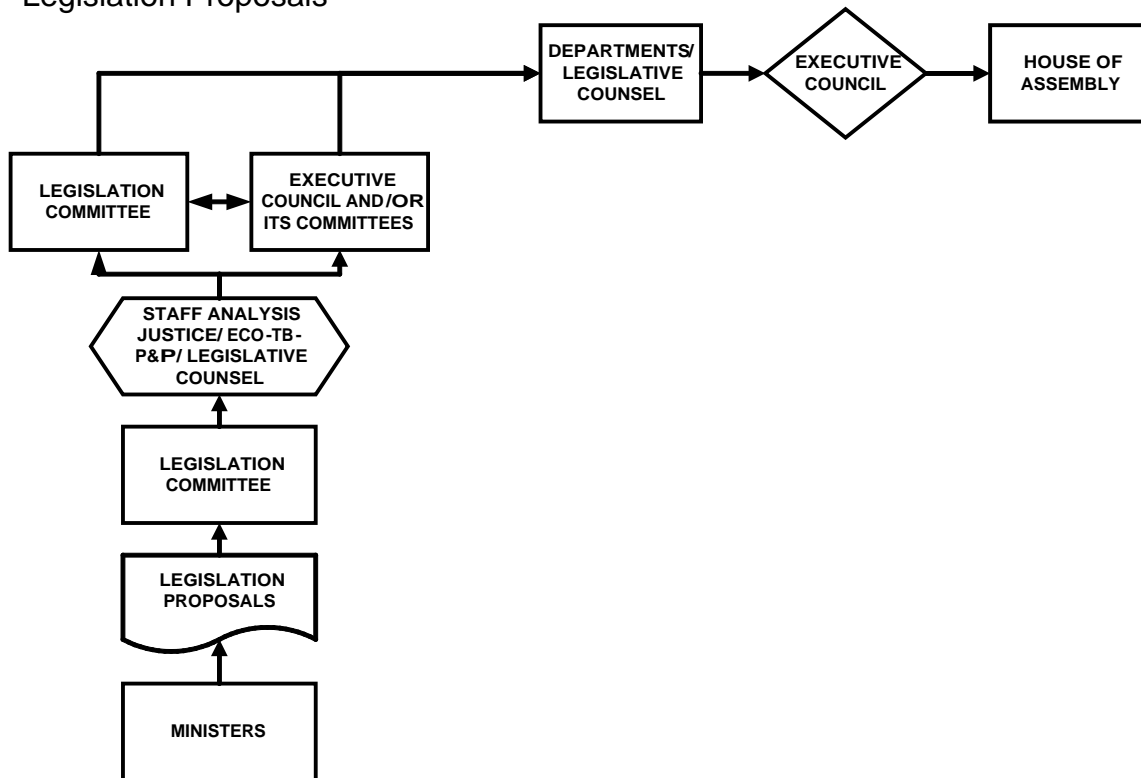
Appendix 3-A

How Legislation is Prepared and Enacted

Legislative proposals are processed through the Executive Council's Legislation Committee. This 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 Memorandum to Executive Council – Request for Legislation (Appendix 3-S) 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 review by the Government Caucus and 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 scheduling 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

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.

¹See *The Nova Scotia Legislature: An Overview of Its Practices and Procedures*, December 2001; revised July 2006, pp. 11-20. <http://www.gov.ns.ca/legislature/HOUSE_OF_ASSEMBLY/NS_Legislative_Procedures.pdf>

Information respecting the House of Assembly is available on the website at <<http://www.gov.ns.ca/ca/legislature/>>

Information on the Legislative Process is available on the website at <<http://www.gov.ns.ca/legislature/legc/>>.

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.

Appendix 3-B Communications Plan Template

[Advice to Executive Council]

Title:

Department:

Accompanying:

Date:

Prepared by:

Communications/Program Overview: a paragraph that addresses the essence of the subject matter and the communications need/challenge.

Context: this section should touch on the linkages to foundational studies or key reports of government that led to this decision/program/initiative, etc. Should also address any considerations within the public environment that may impact the rollout, receptivity of stakeholders, etc. How does this relate to other initiatives of the department/ government? A brief background can also be placed here.

Stakeholder/Key Audience analysis: who will this impact, benefit? Who is the primary target or recipient of this initiative? What is the benefit to them? Exactly how will it make their lives better? Is there a geographic overlay (i.e. will this impact rural Nova Scotia but not an urban centre)? Who are the primary stakeholders concerned about this issue? Are the language issues which should be considered for optimal understanding (translation required?).

Communications Objectives: measurable, what success will look like

Strategy: what is the communications approach? Consider elements such as tone, location, lasting impression desired; also provides rationale for recommendations in terms of rollout, choice of spokesperson, etc.

Key Messages: Connect-Contrast-Solve;

-
-
-

Talking points: supporting facts that bolster key messages.

Elements of rollout: brief list of what is planned - for example news release, speech, Q&A, ads, collateral materials, social media, third party endorsement; rollout must consider how to sustain the message through additional activities, events, opportunities (beyond 'announcement' day).

Marketing/Advertising/Public Awareness Strategy: is one required? Is there funding identified to support advertising and marketing? Was there previous marketing conducted that links to this initiative? Is there collateral that could be re-purposed to reduce costs? Is there research to support the overall approach? Is there a possibility of partnering (other levels of government, NGO, private, etc.)

Research: do we have any research which supports the need for this program/initiative/service? Is opinion research required prior to rollout?

Issues: link back to stakeholder analysis; other issues that need to be concerned vis-a-vis timing, costs, etc., that are not covered elsewhere in the plan.

Actions/Roll-out plan/ Timeline/Opportunities: Launch and ongoing activities; consideration must be given to announcement day; opportunities to sustain message (through a variety of channels); other things that are happening or have happened that can be leveraged.

Recommended spokesperson:

Evaluation and Expectations for Feedback: How will we know if we have succeeded - early signs, longer term measures

Sent to calendar:

Approved by Managing Director:

Approved by Deputy:

Approved by Minister:

Report and Recommendation to the Executive Council



| |
|--|
| Number: _____ Dept.: _____ Date: _____ |
|--|

- Title:** Include a one sentence 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:** The Director of Finance or senior financial staff who have reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the financial implications and funding source.

Indicate any other senior staff who have reviewed the proposal and have him/her sign beside his/her name.
- Deputy Minister:** The deputy minister/deputy head must sign beside his/her name indicating he/she confirms the accuracy of the facts in the submission. In the absence of such signature, the Clerk will confirm the submission with the appropriate official.

| | |
|---|---|
| <p>Approvals</p> <hr/> <p>Attorney General Approved as to Form and Authority</p> <p>_____</p> | <p>Summary:</p> <p>Provide a bullet point summary of the proposal including:</p> <ul style="list-style-type: none"> - Objective - Outcome sought - Financial impact - Considerations impacting timing of the decision - Recommendation |
| <p>Registrar of Regulations Approved as to Form</p> <p>_____</p> <p>Date _____</p> | <p>LEGAL AUTHORITY</p> <p>This section must make reference to, and quote, the legal authority for the proposed action. It may be worded, as follows:</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: (Quote the actual sections)”,</p> <p>(Or)</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>Clerk of the Executive Council</p> <p>Date Rec'd. _____</p> <p>_____</p> | |
| <p>Treasury Board Committee</p> <p>Date Rec'd. _____</p> | |
| <p>Policy and Priorities Committee</p> <p>Date Rec'd. _____</p> | |
| <p>Executive Council</p> <p>Approved _____</p> <p>Withdrawn _____</p> <p>Referred to _____</p> <p>Date _____</p> | |

CURRENT SITUATION AND PURPOSE FOR THIS REQUEST

Describe the reason for this request (objective and outcome sought). This section may vary in length depending on the complexity of the current situation, but should be no longer than a few paragraphs.

Has this matter previously been considered by Executive Council, Treasury Board or Policy and Priorities Committee? If yes, what was the result of the previous consideration and how is this submission different?

BACKGROUND

In a brief paragraph, provide the 3 most important pieces of background information that have led to the current situation.

KEY ISSUE

Identify key issues and explain how the submission is consistent with the organization’s Statement of Mandate or Business Plan.

In some instances there may be only one or two key issues and in other instances there may be several issues. 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. Where appropriate, you may decide to list the issues in this section and indicate that more detail will be included in the sections that follow.

Examples of key issues are: timing considerations, stakeholder/media interest, financial or economic risks to the province, major intergovernmental or industry negotiations, real or perceived threats to the health and safety of citizens, etc.

JURISDICTIONAL REVIEW

Describe how other jurisdictions have dealt with a similar issue. The jurisdictional review should include, at a minimum, publicly available information that provides a comparison with the Atlantic Provinces and if available, should also include the other Provinces of Canada, the Federal Government or other Countries.

ASSESSMENT OF ALTERNATIVES / RISK ASSESSMENT / MITIGATION

Identify realistic options that have been considered to achieve the same outcome. Show the pros and cons of each option against any pre-established evaluation criteria (e.g., effectiveness, efficiency, cost/benefit, stakeholder reaction, ease of implementation).

A risk is the chance of something happening, negative or positive, that will impact the objectives of the proposal. Provide a high level risk assessment evaluating the risks of each option addressing the following:

- Major risks of each option
- Probability of occurrence (high, medium or low)
- Impact should risk occur (high, medium or low)
- Overall Risk Level
- Recommended mitigation plan (if any). Mitigation could include avoiding the risk, changing the likelihood, change the consequence, sharing the risk.

Sample table format (include a table for each option):

| Option: | | | | |
|---------|---------------------|----------------|--------------------|------------|
| Risk | Probability (H/M/L) | Impact (H/M/L) | Risk Level (H/M/L) | Mitigation |
| | | | | |
| | | | | |
| | | | | |

N/A is not acceptable for this section. There should be at least 2 and no more than 4 alternatives.

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.

FINANCIAL IMPACT

1. Does this submission require either of the following approvals under the *Finance Act*?

Section 77 requires a report from the Minister of Finance before entering into a net debt obligation (formerly 59C of the *Provincial Finance Act*) - See Section 77 R&R template if the request requires this approval.

Yes (attached)

No

Section 78 requires Treasury Board approval before undertaking an operating obligation. This should be clearly noted in the submission. If Section 78 approval is the only reason for the submission, it should be made in the Memorandum to Executive Council format not a Report and Recommendation.

Yes

Clearly explain why this submission requires a Section 78 approval.

No

When completing the sections below, consider the financial implications of the action itself and any financial implications that may be incurred from decisions or policy direction derived from the action. The section must include full description of how the proposal will impact the requesting department.

2. Is this an In-Year Funding request (is there a current year impact which cannot be absorbed in the existing appropriation)?

Yes (please contact your Treasury Board Analyst for further clarification)

No

3. Briefly describe the financial request by completing the following table: (Table amounts should be annual cumulative \$ requirements. Cumulative refers to the total requirement for each fiscal year in excess of base budget for the current year. Gross expenses - prior to any recoveries or fees - should be used to complete this table.)

| Initiative | Fiscal Year | Fiscal Year | Fiscal Year |
|---|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Less amount that will be absorbed in existing appropriation | \$ | \$ | \$ |
| Total new funding required | \$ | \$ | \$ |

4. Is new operating funding required?

Yes

No

If new operating funding is required, please complete the following table (annual cumulative \$ requirements).

| Additional operating funding required | Fiscal Year | Fiscal Year | Fiscal Year |
|---------------------------------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Total | \$ | \$ | \$ |

5. Is new capital funding required?

Yes

No

If new capital funding is required, please complete the following table

| Additional capital funding required | Fiscal Year | Fiscal Year | Fiscal Year |
|-------------------------------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Total | \$ | \$ | \$ |

Identify any additional operating costs (project and ongoing costs) that will result from the capital expenditure by fiscal year.

6. Is there third party funding associated with this request?

- Yes. If, so, please describe source and amount: _____
- No

7. Will this proposal impact a Revenue stream of the Province?

- Yes. If so, describe impact: _____
- No

8. Are additional FTEs required?

- Yes. If so, number by fiscal year: _____
- No

9. Provide any further comments on the financial impact that have not been covered above.

INFORMATION TECHNOLOGY

Is there a technology component to this request?

- Yes
 If yes, detail the consultations that have been conducted with the Chief Information Office and/or your IT Corporate Service Unit, whether they support this request (if no, why not) and confirm that all financial implications related to technology have been detailed in the financial impact section.
- No

GOVERNMENT-WIDE IMPLICATIONS

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

CONSULTATION

Is Aboriginal consultation required (before the request in this submission can be implemented)?

- Yes. If yes, please explain the outcome.
- No

Indicate what consultations, if any, that were undertaken with

- Federal Government
- Other Provincial Governments

If yes to either of the above, has the Department of Intergovernmental Affairs been consulted?

Yes

No

List all other consultations that have taken place including type of consultation, stakeholders consulted and their positions.

GOVERNMENT COMMITMENT / PRIORITIES

Better Care Sooner

jobsHere

Living within its Means

Helping Families Make Ends Meet

EFFICIENCY/PRODUCTIVITY

Efficiency/productivity may take differing forms including: increased accountability to the Minister; less expensive options for certain programs; replacement of programs with other programs.

LEGAL IMPLICATIONS

Identify any legal implications that may arise as a result of the implementation of this submission.

POLICY LENSES

Assess the direct and indirect impacts of the preferred alternative in the following areas. **For those that are applicable**, two or three sentences around the related implication is sufficient.

Economic

Rural Nova Scotia

Social Equity

Gender

Trade

Environmental

Human Resources

Municipal

Intergovernmental

RECOMMENDATION

The recommendation should concisely summarize what is being asked of Cabinet for approval.

FORM OF ORDER (Must be included 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 ____ of the Revised Statutes of Nova Scotia, 1989, the _____Act, is pleased to

Respectfully submitted,

Halifax, Nova Scotia

[Original signed by]

Date

Minister of

Memorandum to the Executive Council



Number:

Dept.:

Date:

- Title:** Include a one sentence 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:** The Director of Finance or senior financial staff who have reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the financial implications and funding source.

Indicate any other senior staff who have reviewed the proposal and have him/her sign beside his/her name.
- Deputy Minister:** The deputy minister/deputy head must sign beside his/her name indicating he/she confirms the accuracy of the facts in the submission. In the absence of such signature, the Clerk will confirm the submission with the appropriate official.

SUMMARY:

Provide a bullet point summary of the proposal including:

- Objective
- Outcome sought
- Financial impact
- Considerations impacting timing of the decision
- Recommendation

CURRENT SITUATION AND PURPOSE FOR THIS REQUEST

Describe the reason for this request (objective and outcome sought). This section may vary in length depending on the complexity of the current situation, but should be no longer than a few paragraphs.

Has this matter previously been considered by Executive Council, Treasury Board or Policy and Priorities Committee? If yes, what was the result of the previous consideration and how is this submission different?

BACKGROUND

In a brief paragraph, provide the 3 most important pieces of background information that have led to the current situation.

KEY ISSUE

Identify key issues and explain how the submission is consistent with the organization's Statement of Mandate or Business Plan.

In some instances there may be only one or two key issues and in other instances there may be several issues. 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. Where appropriate, you may decide to list the issues in this section and indicate that more detail will be included in the sections that follow.

Examples of key issues are: timing considerations, stakeholder/media interest, financial or economic risks to the province, major intergovernmental or industry negotiations, real or perceived threats to the health and safety of citizens, etc.

JURISDICTIONAL REVIEW

Describe how other jurisdictions have dealt with a similar issue. The jurisdictional review should include, at a minimum, publicly available information that provides a comparison with the Atlantic Provinces and if available, should also include the other Provinces of Canada, the Federal Government or other Countries.

ASSESSMENT OF ALTERNATIVES / RISK ASSESSMENT/MITIGATION

Identify realistic options that have been considered to achieve the same outcome. Show the pros and cons of each option against any pre-established evaluation criteria (e.g., effectiveness, efficiency, cost/benefit, stakeholder reaction, ease of implementation).

A risk is the chance of something happening, negative or positive, that will impact the objectives of the proposal. Provide a high level risk assessment evaluating the risks of each option addressing the following:

- Major risks of each option
- Probability of occurrence (high, medium or low)
- Impact should risk occur (high, medium or low)
- Overall Risk Level
- Recommended mitigation plan (if any). Mitigation could include avoiding the risk, changing the likelihood, change the consequence, sharing the risk.

Sample table format (include a table for each option):

| Option: | | | | |
|---------|---------------------|----------------|--------------------|------------|
| Risk | Probability (H/M/L) | Impact (H/M/L) | Risk Level (H/M/L) | Mitigation |
| | | | | |
| | | | | |
| | | | | |

N/A is not acceptable for this section. There should be at least 2 and no more than 4 alternatives.

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.

FINANCIAL IMPACT

1. Does this submission require either of the following approvals under the *Finance Act*?

Section 77 requires a report from the Minister of Finance before entering into a net debt obligation (formerly 59C of the *Provincial Finance Act*) - See Section 77 R&R template if the request requires this approval.

- Yes (attached)
- No

Section 78 requires Treasury Board approval before undertaking an operating obligation.

- Yes
Clearly explain why this submission requires a Section 78 approval.
- No

When completing the sections below, consider the financial implications of the action itself and any financial implications that may be incurred from decisions or policy direction derived from the action. The section must include full description of how the proposal will impact the requesting department.

2. Is this an In-Year Funding request (is there a current year impact which cannot be absorbed in the existing appropriation)?

- Yes (please contact your Treasury Board Analyst for further clarification)
- No

3. Briefly describe the financial request by completing the following table: (Table amounts should be annual cumulative \$ requirements. Cumulative refers to the total requirement for each fiscal year in excess of base budget for the current year. Gross expenses - prior to any recoveries or fees - should be used to complete this table.)

| Initiative | Fiscal Year | Fiscal Year | Fiscal Year |
|------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |

| | | | |
|---|----|----|----|
| Less amount that will be absorbed in existing appropriation | \$ | \$ | \$ |
| Total new funding required | \$ | \$ | \$ |

4. Is new operating funding required?

- Yes
- No

If new operating funding is required, please complete the following table (annual cumulative \$ requirements).

| Additional operating funding required | Fiscal Year | Fiscal Year | Fiscal Year |
|---------------------------------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Total | \$ | \$ | \$ |

5. Is new capital funding required?

- Yes
- No

If new capital funding is required, please complete the following table

| Additional capital funding required | Fiscal Year | Fiscal Year | Fiscal Year |
|-------------------------------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Total | \$ | \$ | \$ |

Identify any additional operating costs (project and ongoing costs) that will result from the capital expenditure by fiscal year.

6. Is there third party funding associated with this request?

- Yes. If, so, please describe source and amount: _____
- No

7. Will this proposal impact a Revenue stream of the Province?

- Yes. If so, describe impact: _____
- No

8. Are additional FTEs required?

- Yes. If so, number by fiscal year: _____
- No

9. Provide any further comments on the financial impact that have not been covered above.

INFORMATION TECHNOLOGY

Is there a technology component to this request?

Yes

If yes, detail the consultations that have been conducted with the Chief Information Office and/or your IT Corporate Service Unit, whether they support this request (if no, why not) and confirm that all financial implications related to technology have been detailed in the financial impact section.

No

GOVERNMENT-WIDE IMPLICATIONS

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

CONSULTATION

Is Aboriginal consultation required (before the request in this submission can be implemented)?

Yes. If yes, please explain the outcome.

No

Indicate what consultations, if any, that were undertaken with

Federal Government

Other Provincial Governments

If yes to either of the above, has the Department of Intergovernmental Affairs been consulted?

List all other consultations that have taken place including type of consultation, stakeholders consulted and their positions.

GOVERNMENT COMMITMENT / PRIORITIES

Better Care Sooner

jobsHere

Living within its Means

Helping Families Make Ends Meet

EFFICIENCY/PRODUCTIVITY

Efficiency/productivity may take differing forms including: increased accountability to the Minister; less expensive options for certain programs; replacement of programs with other programs.

LEGAL IMPLICATIONS

Identify any legal implications that may arise as a result of the implementation of this submission.

POLICY LENSES

Assess the direct and indirect impacts of the preferred alternative in the following areas. **For those that are applicable**, two or three sentences around the related implication is sufficient.

Economic

Rural Nova Scotia

Social Equity

Gender

Trade

Environmental

Human Resources

Municipal

Intergovernmental

RECOMMENDATION

The recommendation should concisely summarize what is being asked of Cabinet for approval and mirror what the department is seeking to be contained in the minute letter.

Respectfully submitted,

Halifax, Nova Scotia

[Original signed by]

Date

Minister of

*Most recent review: **June 3, 2011***

Appendix 3-F Sample Order In Council



**Executive
Council**

*A certified copy of an Order in Council dated
May 31, 2011*

2011-191

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated May 12, 2011, and pursuant to Section 10 of Chapter 44 of the Acts of 2010, the *Tanning Beds Act*, is pleased to make new regulations respecting the regulation of tanning facilities in the form set forth in Schedule "A" attached to and forming part of the Report and Recommendation, effective on and after May 31, 2011.

Certified to be a true copy

A handwritten signature in black ink, appearing to read "Greg Keefe", written over a horizontal dotted line.

**Greg Keefe
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, and the Communications Plan. The Executive Council Office logs it as being received and forwards it to the Treasury Board Office and Office of Policy and Priorities for analysis before it is submitted to the 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. | Provide the exact numbering and wording of the amended regulations. If a new regulation, provide the exact numbering and wording that is being added. If a repeal of a regulation, provide the exact numbering and wording that is being repealed. | The analysis is drawn from the body of the R&R but presented in non legal terms. It should include: <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.

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? | | |
| ➤ 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? | | |

| CHECK LIST | SUPPORTING DATA | |
|--|-----------------|--|
| | | |
| 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? | | |
| ➤ 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? | | |

Report and Recommendation to the Executive Council



| |
|---------------|
| Number: _____ |
| Dept.: _____ |
| Date: _____ |

- Title:** Include a one sentence 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:** The Director of Finance or senior financial staff who have reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the financial implications and funding source.

Indicate any other senior staff who have reviewed the proposal and have him/her sign beside his/her name.
- Deputy Minister:** The deputy minister/deputy head must sign beside his/her name indicating he/she confirms the accuracy of the facts in the submission. In the absence of such signature, the Clerk will confirm the submission with the appropriate official.

| | |
|---|---|
| <p>Approvals</p> <hr/> <p>Attorney General Approved as to Form and Authority</p> <hr/> <p>_____</p> <p>Date _____</p> <hr/> <p><small>This column, headed "Approvals," is provided to record progress of, and decisions relating to, the Report and Recommendation.</small></p> | <p>Summary:</p> <p>Provide a clear concise summary of the proposal and the results sought.</p> <p>Indicate whether :</p> <p>(a) seeking authority under Section 77 of <i>Finance Act</i></p> <p>(b) seeking authority to enter into agreement/transaction</p> <p>(c) Section 6 of <i>Public Service Act</i> applies</p> |
| <p>Registrar of Regulations Approved as to Form</p> <hr/> <p>_____</p> <p>Date _____</p> | <p>Legal Authority</p> <p>This section must make reference to, and quote, the legal authority for the proposed action.</p> <p><i>For authority under section 6 of Public Service Act, include the following</i></p> <p>The undersigned has the [further] honour to refer to Section 6 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the <i>Public Service Act</i>.</p> <p style="text-align: center;">6 A member of the Executive Council may, subject to the approval of the Governor in Council, enter into an agreement with the Government of Canada, the government of a province, the government of a foreign state or subnational unit or an association of foreign states or subnational units, or agency thereof, or with any institution or person, or any of them, providing for a joint undertaking with the Government of Canada, with the government of a province, with the government of a foreign state or subnational unit or with an association of foreign states or subnational units, or any agency thereof, or with any institution or person, or any of them, of any project within the member's mandate under this Act.</p> |
| <p>Clerk of the Executive Council</p> <hr/> <p>Date Rec'd. _____</p> | |
| <p>Treasury Board Committee</p> <hr/> <p>Date Rec'd. _____</p> | |
| <p>Policy and Priorities Committee</p> <hr/> <p>Date Rec'd. _____</p> | |
| <p>Executive Council</p> <hr/> <p>Approved _____</p> <p>Withdrawn _____</p> <p>Referred to _____</p> <p>Date _____</p> | |

For authority under Section 77 of the *Finance Act*, insert the following

The undersigned has the [further] honour to refer to Section 77 of Chapter 2 of the Acts of 2010, the *Finance Act*, which provides as follows:

- 77** **(1)** Notwithstanding any enactment, power or authority, no member of the Government Reporting Entity is authorized to enter into a net debt obligation, directly or indirectly, without first forwarding to the Minister
- (a) a report and recommendation setting out the terms, conditions and rationale for the net debt obligation and requesting approval to enter into the net debt obligation; and
- (b) any other information the Minister requires to prepare the Minister's report referred to in subsection (2).
- (2)** Upon receipt of the report and recommendation, the Minister shall prepare a report on the following:
- (a) the monetary limits of the net debt obligation in the current and future fiscal years;
- (b) the effect of the proposed net debt obligation on the consolidated financial statements of the Province for the current and future fiscal years;
- (c) the reasonableness and prudence of the proposed net debt obligation for the purposes of avoiding undue risk of loss; and
- (d) any other information the Minister considers appropriate.
- (3)** The Minister shall, on the basis of the report and recommendation referred to in subsection (1),
- (a) approve the net debt obligation provided the person authorized or empowered to enter into the net debt obligation does not require the approval of the Governor in Council to do so; or
- (b) forward the report and the report and recommendation for the consideration of the Governor in Council.
- (4)** The Governor in Council may authorize the entering into of the net debt obligation referred to in subsection (1).

All of the following sections must be completed so that Finance gets the information it needs to produce the Minister's report under Section 77 of the *Finance Act* and, where possible, have the Minister of Finance approve the net debt obligation under clause (3)(a). The minimum information Finance needs is described in blue. Other relevant information should be included as deemed appropriate.

Section 78 of the *Finance Act* states "Notwithstanding any enactment, power or authority, no appropriated entity is authorized to enter into an operating obligation, directly or indirectly, without first obtaining Treasury Board approval". If the transaction only requires Section 78 approval, it should be submitted in the form of a Memorandum to Executive Council. If the transaction is already in a department or entity's target profile, then Treasury Board has already approved it and no further approval under Section 78 of the *Finance Act* is necessary. If Treasury Board has not approved the operating obligation, and therefore it is not yet included in the target profile, then the Section 77 R&R, if required, can also serve the purpose of requesting the Section 78 Treasury Board approval.

CURRENT SITUATION AND PURPOSE FOR THIS REQUEST

Describe the reason for this request (objective and outcome sought). This section may vary in length depending on the complexity of the current situation, but should be no longer than a few paragraphs.

Has this matter previously been considered by Executive Council, Treasury Board or Policy and Priorities Committee? If yes, what was the result of the previous consideration and how is this submission different?

This section should include discussion regarding why the department/ entity has a need that can (in part) be addressed through the inclusion of a net debt obligation - leading to a discussion of why it is considered appropriate to incur or authorize the potential incurrence of the net debt obligation.

BACKGROUND

In a brief paragraph, provide the 3 most important pieces of background information that have led to the current situation.

This section should include a description of the operating obligation and/or net debt obligation; note that “net debt obligation” is a defined term in the *Finance Act* and should include department’s/ entity’s experience with previous, similar net debt obligations. The determination of whether an operating or net debt obligation exists is to be made by the Director of Finance for the Department.

KEY ISSUE

Identify key issues and explain how the submission is consistent with the organization’s Statement of Mandate or Business Plan.

In some instances there may be only one or two key issues and in other instances there may be several issues. 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. Where appropriate, you may decide to list the issues in this section and indicate that more detail will be included in the sections that follow.

Examples of key issues are: timing considerations, stakeholder/media interest, financial or economic risks to the province, major intergovernmental or industry negotiations, real or perceived threats to the health and safety of citizens, etc.

JURISDICTIONAL REVIEW

Describe how other jurisdictions have dealt with a similar issue. The jurisdictional review should include, at a minimum, publicly available information that provides a comparison with the Atlantic Provinces and if available, should also include the other Provinces of Canada, the Federal Government or other Countries.

ASSESSMENT OF ALTERNATIVES / RISK ASSESSMENT/MITIGATION

Identify realistic options that have been considered to achieve the same outcome. Show the pros and cons of each option against any pre-established evaluation criteria (e.g., effectiveness, efficiency, cost/benefit, stakeholder reaction, ease of implementation).

A risk is the chance of something happening, negative or positive, that will impact the objectives of the proposal. Provide a high level risk assessment evaluating the risks of each option addressing the following:

- Major risks of each option
- Probability of occurrence (high, medium or low)
- Impact should risk occur (high, medium or low)
- Overall Risk Level
- Recommended mitigation plan (if any). Mitigation could include avoiding the risk, changing the likelihood, change the consequence, sharing the risk.

Sample table format (include a table for each option):

| Option: | | | | |
|---------|---------------------|----------------|--------------------|------------|
| Risk | Probability (H/M/L) | Impact (H/M/L) | Risk Level (H/M/L) | Mitigation |
| | | | | |
| | | | | |
| | | | | |

N/A is not acceptable for this section. There should be at least 2 and no more than 4 alternatives.

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.

FINANCIAL IMPACT

This section must include a full description of how the proposal will impact the requesting department/ entity on a stand-alone basis. The department/ entity should not attempt to describe consolidation issues or the impact of this net debt obligation on the public accounts because these impacts will be analysed and reported on in the report of the Minister of Finance.

Information must clearly address spending authority issues - appropriation or other statutory capital authority.

Describe specifically the net debt obligation and why the department/ entity feels it is reasonable.

1. Does this submission require either of the following approvals under the *Finance Act*?

Section 77 requires a report from the Minister of Finance before entering into a net debt obligation (formerly 59C of the *Provincial Finance Act*)

Yes (attached)

No

Section 78 requires Treasury Board approval before undertaking an operating obligation. This should be clearly noted in the submission. If Section 78 approval is the only reason for the submission, it should be made in the Memorandum to Executive Council format not a Report and Recommendation.

Yes

Clearly explain why this submission requires a Section 78 approval.

No

When completing the sections below, consider the financial implications of the action itself and any financial implications that may be incurred from decisions or policy direction derived from the action. The section must include full description of how the proposal will impact the requesting department.

2. Is this an In-Year Funding request (is there a current year impact which cannot be absorbed in the existing appropriation)?

Yes (please contact your Treasury Board Analyst for further clarification)

No

3. Briefly describe the financial request by completing the following table: (Table amounts should be annual cumulative \$ requirements. Cumulative refers to the total requirement for each fiscal year in excess of base budget for the current year. Gross expenses - prior to any recoveries or fees - should be used to complete this table.)

| Initiative | Fiscal Year | Fiscal Year | Fiscal Year |
|---|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Less amount that will be absorbed in existing appropriation | \$ | \$ | \$ |
| Total new funding required | \$ | \$ | \$ |

4. Is new operating funding required?

Yes

No

If new operating funding is required, please complete the following table (annual cumulative \$ requirements).

| Additional operating funding required | Fiscal Year | Fiscal Year | Fiscal Year |
|---------------------------------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Total | \$ | \$ | \$ |

5. Is new capital funding required?

Yes

No

If new capital funding is required, please complete the following table

| Additional capital funding required | Fiscal Year | Fiscal Year | Fiscal Year |
|-------------------------------------|-------------|-------------|-------------|
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Total | \$ | \$ | \$ |

Identify any additional operating costs (project and ongoing costs) that will result from the capital expenditure by fiscal year.

6. Is there third party funding associated with this request?

Yes. If, so, please describe source and amount: _____

No

7. Will this proposal impact a Revenue stream of the Province?

Yes. If so, describe impact: _____

No

8. Are additional FTEs required?

Yes. If so, number by fiscal year: _____

No

9. Provide any further comments on the financial impact that have not been covered above.

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

INFORMATION TECHNOLOGY

Is there a technology component to this request?

Yes

If yes, detail the consultations that have been conducted with the Chief Information Office and/or your IT Corporate Service Unit, whether they support this request (if no, why not) and confirm that all financial implications related to technology have been detailed in the financial impact section.

No

GOVERNMENT-WIDE IMPLICATIONS

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

CONSULTATION

Is Aboriginal consultation required (before the request in this submission can be implemented)?

Yes. If yes, please explain the outcome.

No

Indicate what consultations, if any, that were undertaken with

Federal Government

Other Provincial Governments

If yes to either of the above, has the Department of Intergovernmental Affairs been consulted?

List all other consultations that have taken place including type of consultation, stakeholders consulted and their positions.

GOVERNMENT COMMITMENT / PRIORITIES

Better Care Sooner

jobsHere

Living within its Means

Helping Families Make Ends Meet

EFFICIENCY/PRODUCTIVITY

Efficiency/productivity may take differing forms including: increased accountability to the Minister; less expensive options for certain programs; replacement of programs with other programs.

LEGAL IMPLICATIONS

Identify any legal implications that may arise as a result of the implementation of this submission.

POLICY LENSES

Assess the direct and indirect impacts of the preferred alternative in the following areas. ***For those that are applicable***, two or three sentences around the related implication is sufficient.

Economic

Rural Nova Scotia

Social Equity

Gender

Trade

Environmental

Human Resources

Municipal

Intergovernmental

RECOMMENDATION

The recommendation should concisely summarize what is being asked of Cabinet for approval.

If Section 78 approval is required include the following:

“The undersigned has the honour to recommend that the Treasury Board provide an approval to enter into an operating obligation under Section 78 of the *Finance Act*.”

By including this section, the document will be considered by Treasury Board for the purposes of Section 78 of the *Finance Act*, and if approved, the R&R will then be considered by Executive Council for the purposes of Section 77 (and any other Governor in Council requirements).

FORM OF ORDER (Must be in all R&R's)

“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 77 of Chapter 2 of the Acts of 2010, the *Finance Act*, is pleased to

Respectfully submitted,

[Original signed by]

Minister of [originating department **not** the Minister of Finance]

Halifax, Nova Scotia
(Date)

Most recent review: June 3, 2011

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:

- I. 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 or its committees 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 to be made. For example,
Proposed appointments to [name of agency, board or commission].

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: The Director of Finance or senior financial staff who have reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the financial implications and funding source.

Indicate any other senior staff who have reviewed the proposal and have him/her sign beside his/her name.

Deputy Minister: The deputy minister/deputy head must sign beside his/her name indicating he/she confirms the accuracy of the facts in the submission. In the absence of such signature, the Clerk will confirm the submission with the appropriate official.

| | |
|---|--|
| <p>APPROVALS</p> <p>_____ Attorney General Approved as to Form and Authority</p> | <p>Summary:</p> <p>Provide a brief description of the appointment the Minister proposes to make. For example,</p> <p><i>The appointment/reappointment of [insert the name(s) of recommended appointee(s)] as a director(s)/member(s)/Chair of the [name of agency, board or commission (ABC)].</i></p> |
| <p>The Clerk of the Executive Council Office</p> <p>Date Rec'd. _____</p> <p>Received for information by Executive Council</p> <p>_____</p> <p>Date _____</p> | <p>Under each of the required headings, please provide the information specified below. Also, see the Note below regarding required and recommended attachments.</p> <p>Legal Authority</p> <p>Quote the specific provisions that provide legal authority for making the appointment, establishing the term of the appointment, paying the appointee's expenses and/or remuneration, indemnifying the appointee, and/or imposing any conditions on the appointment. For example:</p> <p><i>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:</i></p> |

Background

Provide a brief description of the nature of the ABC, its mandate, the current composition of its board (including, for example, a description of any existing and upcoming vacancies, and of the board's diversity in terms of gender, regional representation and ethnicity), and any other background information that will assist Executive Council in assessing the appropriateness of the appointment.

Other background information could include such things as whether other individuals or organizations are responsible for appointing members to the board and/or setting the remuneration of board members, and the role the ABC is expected to play in advancing the government's public policy objectives.

Proposed Appointee

Include the name, municipality, and county of the proposed appointee and indicate whether the individual has previously served as a member of the same board. If so, specify when and in what capacity he/she served.

Rationale for Appointment

Must appointees to the ABC's board satisfy certain requirements? For example, must they have particular skills or experience, be nominated or recommended by other bodies, or represent certain industries, geographic areas, groups, or organizations?

- Yes – briefly describe those requirements and indicate how the proposed appointee satisfies them.
- No

Was the proposed appointee's application screened by a departmental or other review panel or advisory committee?

- Yes – describe the nature of the panel or advisory committee.
- No – briefly explain why no screening was required.

Are there any limits on how long appointees may serve the ABC?

- Yes – briefly describe the limits and confirm that any previous service by the proposed appointee does not made him/her ineligible for appointment.
- No

Does the Minister have discretion in determining how long the proposed appointee will serve the ABC?

- Yes – explain how the proposed term will ensure that the board's membership is renewed in an orderly way (for example, by staggering the term expirations).
- No

Is the proposed appointee to be remunerated and/or be reimbursed for expenses?

- Yes – describe the amount and source of any remuneration and/or expenses to be paid.
- No

Communications

Is a Communications Plan required with respect to the proposed appointment?

- Yes – Attach Communications Plan.
- No – Confirm that CNS staff have been consulted and explain why a Communications Plan is not needed. (For example, it is a routine appointment that is not expected to generate controversy.)

Proposed Appointment

Conclude by setting out the details of the proposed appointment; specifically, the term of the appointment, any remuneration or expenses to be paid, any indemnity to be provided, and any conditions to be applied. For example,

The undersigned therefore has the honour to advise that, pursuant to Section ____ of Chapter ____ of the Revised Statutes of Nova Scotia, 1989, the _____ Act,

(a) _____ of [municipality, county] will be appointed [a member/a director/Chair] of [insert name of ABC] for a term of ____ years commencing the date specified in the Ministerial Appointment; and

(b) _____ will be remunerated for his/her service in the amount of _____ [annually, per meeting, etc.] and reimbursed for reasonable expenses actually incurred in fulfilling his/her duties as [a member/a director/Chair], provided such reimbursements do not exceed those normally payable to a member of the civil service.

Respectfully submitted,

Minister of _____

Halifax, Nova Scotia
(Date)

Note:

Attach the following documents to Ministerial Appointment Forms requesting appointments to **adjudicative boards**:

1. Precis of qualifications for all proposed appointees (recommended);
2. Communications plan (if Communications staff determine one is needed).

Attach the following documents to Ministerial Appointment Forms requesting appointments to **non-adjudicative boards**:

1. Human Resources Committee Form As for all proposed appointees (required*);
2. Human Resources Committee Guidelines for all proposed appointees (required*);
3. Résumés of all proposed appointees (required*); and
4. Communications plan (if Communications staff determine one is needed).

* These documents are not required for non-adjudicative appointments exempted from review by the Human Resources Committee. See Rule 60 of the *Rules and Forms of Procedure of the House of Assembly* for descriptions of the exceptions.

Most recent review: July 27, 2011



Appendix 3-N (This form must be submitted on 8½ x11" paper)
Form "A" Recommended Appointment to Agency, Board or Commission

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

(This form must be submitted on 8½ x11" paper)

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.

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 path.

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.

Template for Corporate Administrative Policy Submissions

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
Request for Legislation



NUMBER:

DEPT:

DATE:

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

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: The Director of Finance or senior financial staff who have reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the financial implications and funding source.

Indicate any other senior staff who have reviewed the proposal and have him/her sign beside his/her name.

Deputy Minister: The deputy minister/deputy head must sign beside his/her name indicating he/she confirms the accuracy of the facts in the submission. In the absence of such signature, the Clerk will confirm the submission with the appropriate official.

SUMMARY: Provide a clear concise summary of the proposal

*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 *.*

CURRENT SITUATION AND PURPOSE FOR THIS REQUEST

Describe the reason for this request for legislation (objective and outcome sought). This section may vary in length depending on the complexity of the current situation, but should be no longer than a few paragraphs.

Has this matter previously been considered by Executive Council, Treasury Board or Policy and Priorities Committee? If yes, what was the result of the previous consideration and how is this submission different?

BACKGROUND

In a brief paragraph, provide background information why this legislation is being proposed. This should be a concise, factual statement of events that have led to the current situation, including when the last substantive amendments were made to this legislation (if applicable).

KEY ISSUE

Identify key issues such as

- timing related to meeting certain government, department, or other deadlines
- transitional issues that may result from the outcomes of the legislation
- stakeholder expectations

In some instances there may be only one or two key issues and in other instances there may be several issues. 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 sections that follow where appropriate.

JURISDICTIONAL REVIEW

Describe how other jurisdictions have dealt with a similar issue. The jurisdictional review should include at a minimum, publicly available information that provides a comparison with the Atlantic Provinces, and if available, should also include the other Provinces of Canada, the Federal Government or other Countries.

ASSESSMENT OF ALTERNATIVES

Identify different options that have been considered to achieve the same outcome. Show the pros and cons of each option against any pre-established evaluation criteria (e.g., effectiveness, efficiency, cost/benefit,

stakeholder reaction, ease of implementation). N/A is not acceptable for this section. There should be at least 2 and no more than 4 alternatives.

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. For instance, the timing for the legislative change may be dependent on the schedule for the House of Assembly.

FINANCIAL IMPACT

- What is the source of funding for this proposal? Is funding coming from an approved budget appropriation? Is new funding required and, if so, can funding be re-allocated from existing appropriations?
- Provide a description of any new financial request as a result of this request for legislation and why the department feels it is reasonable.
- Are there FTE impacts or additional FTE requirements as a result of this proposal?
- Does this proposal impact on other expenditures (e.g., a capital expenditure may result in changes in operating costs)
- Revenue/tax implications - Is the proposal 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?

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

INFORMATION TECHNOLOGY

Is there a technology component to this request?

Yes

If yes, detail the consultations that have been conducted with the Chief Information Office and/or your IT Corporate Service Unit, whether they support this request (if no, why not) and confirm that all financial implications related to technology have been detailed in the financial impact section.

No

GOVERNMENT-WIDE IMPLICATIONS

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

CONSULTATION

Is Aboriginal consultation required (before the request in this submission can be implemented)?

Yes. If yes, please explain the outcome.

No

Indicate what consultations, if any, that were undertaken with

Federal Government

Other Provincial Governments

If yes to either of the above, has the Department of Intergovernmental Affairs been consulted?

Yes

No

List all other consultations that have taken place including type of consultation, stakeholders consulted and their positions.

GOVERNMENT COMMITMENT / PRIORITIES

Better Care Sooner

jobsHere

Living within its Means

Helping Families Make Ends Meet

EFFICIENCY/PRODUCTIVITY

Efficiency/productivity may take differing forms including: increased accountability to the Minister; less expensive options for certain programs; replacement of programs with other programs.

LEGAL IMPLICATIONS

Identify any legal implications that may arise as a result of the implementation of this submission.

POLICY LENSES

Assess the direct and indirect impacts of the proposed legislation in the following areas. ***For those that are applicable***, two or three sentences around the related implication is sufficient.

- Economic
- Rural Nova Scotia
- Social Equity
- Gender
- Trade
- Environmental
- Human Resources
- Municipal
- Intergovernmental

RECOMMENDATION

The recommendation should concisely summarize what is being asked for approval.

********Drafting instructions must be attached as an Appendix********

Respectfully submitted,

Minister of

Halifax, Nova Scotia
(Date)

Report and Recommendation to the Executive Council



| |
|---------------|
| Number: _____ |
| Dept.: _____ |
| Date: _____ |

Title: Include a short description of the appointment to be made.
Recommended appointments to [name of agency, board or commission]

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: The Director of Finance or senior financial staff who have reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the financial implications and funding source.

Indicate any other senior staff who have reviewed the proposal and have him/her sign beside his/her name.

Deputy Minister: The deputy minister/deputy head must sign beside his/her name indicating he/she confirms the accuracy of the facts in the submission. In the absence of such signature, the Clerk will confirm the submission with the appropriate official.

| |
|--|
| Approvals |
| Attorney General Approved as to Form and Authority |
| <small>This column, headed "Approvals," is provided to record progress of, and decisions relating to, the Report and Recommendation.</small> |
| Registrar of Regulations Approved as to Form |
| Date _____ |
| Clerk of the Executive Council |
| Date Rec'd. _____ |
| Treasury Board Committee |
| Date Rec'd. _____ |
| Policy and Priorities Committee |
| Date Rec'd. _____ |
| Executive Council |
| Approved _____ |
| Withdrawn _____ |
| Referred to _____ |
| Date _____ |

Summary:

Provide a brief description of the request for appointment being made. For example,

It is recommended that [insert the name(s) of recommended appointee(s)] be appointed/reappointed as a director(s)/member(s)/Chair of the [name of agency, board or commission (ABC)].

Under each of the required headings, please provide the information specified below. Also, see the Note below regarding required and recommended attachments.

Legal Authority
Quote the specific provisions that provide legal authority for making the appointment, establishing the term of the appointment, paying the appointee's expenses and/or remuneration, indemnifying the appointee, and/or imposing any conditions on the appointment. For example:

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:

Background
Provide a brief description of the nature of the ABC, its mandate, the current composition of its board (including, for example, a description of any existing and upcoming vacancies, and of the board's diversity in terms of gender, regional representation and ethnicity), and any other background that will assist Executive Council in assessing the appropriateness of the appointment.

Other background information could include such things as whether other individuals or organizations are responsible for appointing members to the board and/or setting the remuneration of board members, and the role the ABC is expected to play in advancing the government's public policy objectives.

Recommended Appointee
Include the name, municipality, and county of the recommended appointee and indicate whether the individual has previously served as a member of the same board. If so, specify when and in what capacity he/she served.

Rationale for Appointment

Must appointees to the ABC's board satisfy certain requirements? For example, must they have particular skills or experience, be nominated or recommended by other bodies, or represent certain industries, geographic areas, groups, or organizations?

Yes

Briefly describe those requirements and indicate how the recommended appointee satisfies them.

No

Was the recommended appointee's application screened by a departmental or other review panel or advisory committee?

Yes

Describe the nature of the panel or advisory committee.

No

Briefly explain why no screening was required.

Are there any limits on how long appointees may serve the ABC?

Yes

Briefly describe the limits and confirm that any previous service by the recommended appointee does not made him/her ineligible for appointment.

No

Does the GIC have discretion in determining how long the recommended appointee will serve the ABC?

Yes

Explain how the recommended term will ensure that the board's membership is renewed in an orderly way (for example, by staggering the term expirations).

No

Is the recommended appointee to be remunerated and/or be reimbursed for expenses?

Yes

Describe the amount and source of any remuneration and/or expenses to be paid.

No

Communications

Is a Communications Plan required with respect to the recommended appointment?

Yes - Attach Communications Plan.

No

Confirm that CNS staff have been consulted and explain why a Communications Plan is not needed. (For example, it is a routine appointment that is not expected to generate controversy.)

Recommended Appointment

Set out detailed recommendations regarding the recommended appointment; specifically, the term, the amount of the compensation or expenses to be paid, any indemnity to be provided, and any conditions to be applied to the appointment.

Recommended Form of Order

Conclude with a recommendation regarding the form of Order. For example,

The undersigned therefore 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 ____ of the Revised Statutes of Nova Scotia, 1989, the _____ Act, is pleased to:

(a) appoint _____ of [municipality, county] as [a member/a director/Chair] of _____ for a term of _____ years commencing [date of Order];

(b) order that _____ be remunerated for his/her service in the amount of _____ [annually, per meeting] and be reimbursed for reasonable expenses actually incurred in fulfilling his/her duties as [a member/a director/Chair], provided such reimbursements do not exceed those normally paid to members of the civil service.

Respectfully submitted,

Minister of

Halifax, Nova Scotia
(Date)

Most recent review: July 26, 2011

Note:

Attach the following documents to R&Rs requesting appointments to **adjudicative boards**:

1. Precis of qualifications for all recommended appointees (recommended);
2. Communications plan (if Communications staff determine one is needed).

Attach the following documents to R&Rs requesting appointments to **non-adjudicative boards**:

1. Human Resources Committee Form As for all recommended appointees (required*);
2. Human Resources Committee Guidelines for all recommended appointees (required*);
3. Résumés of all recommended appointees (required*); and
4. Communications plan (if Communications staff determine one is needed).

* These documents are not required for non-adjudicative appointments exempted from review by the Human Resources Committee. See Rule 60 of the *Rules and Forms of Procedure of the House of Assembly* for descriptions of the exceptions.