

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 Information on how the House of Legislative Assembly operates is available at <<http://nslegislature.ca/>>.

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 “agreed,” “agreed with amendments/conditions,” “direction given,” “stood” (for the next meeting), “referred to Executive Council or a committee,” or “withdrawn.”

Key support staff present at Executive Council meetings include:

- the Clerk of the Executive Council/Deputy Minister of the Office of the Premier/Deputy Minister of Treasury and Policy Board,
- the Deputy Minister of the Office of Strategy Management,
- the Secretary to the Executive Council,
- 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 members may take part in Executive Council committees.

COMMITTEES OF THE EXECUTIVE COUNCIL

There are currently three committees of Executive Council:

- Treasury and Policy Board
- Program Review Committee
- Government Priorities and Legislation Committee

(See Chapter 2, Government in Nova Scotia, for a full description.)

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.

Enquiries

Director, Executive Council Operations
Executive Council Office
(902) 424-6614

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