

Government in Nova Scotia

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

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

THE LIEUTENANT GOVERNOR

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

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

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

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

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

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

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

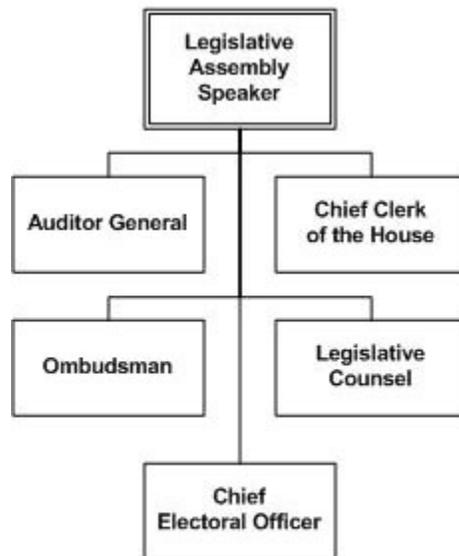
If the Lieutenant Governor is absent from the Province, the Chief Justice of Nova Scotia takes his or her place and is referred to as the Administrator of the Government of the Province of Nova Scotia.

Branches of Government

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

THE LEGISLATURE

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



The 51 Members of the House of Assembly (MLAs) are elected by voters in electoral districts. While an election can be called at any time, no elected assembly may sit for more than five years. The House must meet at least twice a year.

The House of Assembly's main functions are to:

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

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

Office of the Clerk of the House

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

Office of the Legislative Counsel

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

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

Office of the Auditor General

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

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

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

Office of the Ombudsman

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

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

Chief Electoral Officer

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

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

THE JUDICIARY

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

Nova Scotia Court of Appeal

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

Supreme Court of Nova Scotia

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

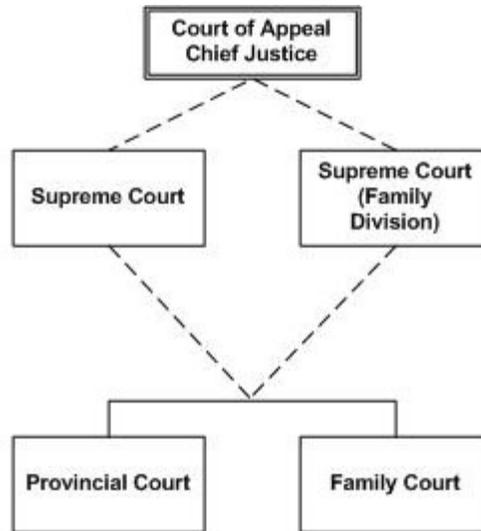
The Supreme Court (Family Division) hears all family matters, including maintenance, custody/access, and child protection matters. It is also a Youth Court for young persons aged 12–15.

Family Court

The Family Court handles family-related issues, including maintenance, custody/ access, and child protection matters. It is also a Youth Court.

Provincial Court

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



THE EXECUTIVE BRANCH

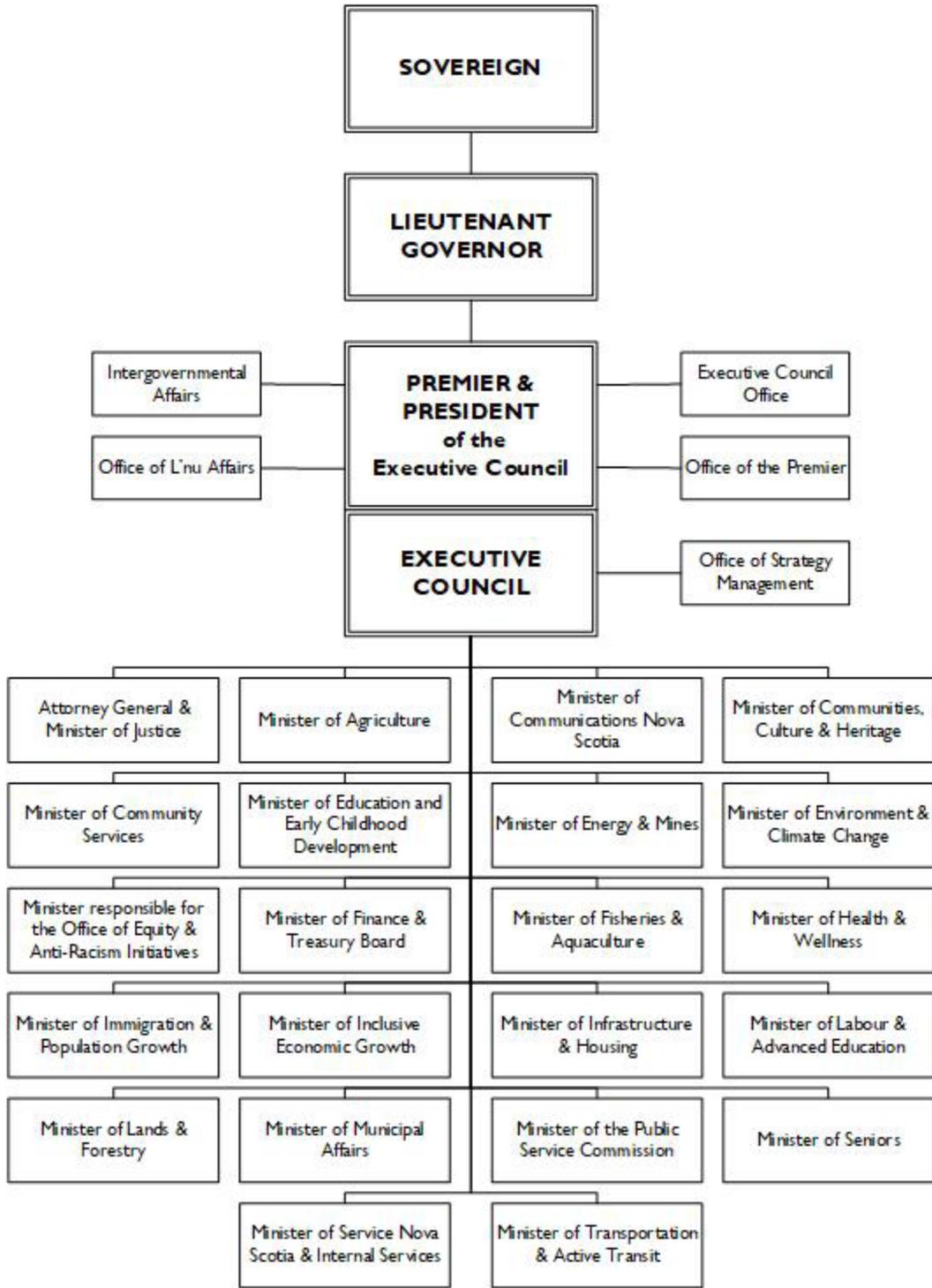
The Executive Branch of government is generally referred to as the government. Technically, the word government means the Lieutenant Governor acting by and with the advice of the Executive Council, correctly referred to as the Governor-in-Council.

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

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

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

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



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

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

Executive Council Responsibilities

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

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

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

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

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

Subject to law, the Executive Council is free to organize the activities of the government in the manner best suited to attain its objectives, bearing in mind that the resulting actions should not run contrary to the general wishes of the electorate.

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

Premier

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

The Premier is responsible for managing the Executive Council decision-making process and establishing the organization and methods of operation of Executive Council and its committees.

Responsibility as Members of the Executive Council

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

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

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

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

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

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

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

COMMITTEES OF THE EXECUTIVE COUNCIL

Treasury and Policy Board

Treasury and Policy Board is a committee of the Executive Council charged with establishing plans and policies for the operation of the government and ensuring that they are developed and implemented in a co-ordinated and fiscally responsible manner and without limiting the generality of the forgoing, shall include:

- development and implementation of policies, plans and strategies for the effective administration and operation of government;
- identification and prioritization of policy issues, selection of policy initiatives and direction of action on policy issues and initiatives;
- budget preparation and approval and expenditure control;
- the establishment of reporting requirements to ensure the full accountability of government departments, offices and agencies;
- ensuring that decisions respecting any provincial investment align with the Government's economic development strategies and priorities; and
- ensuring alignment between government's fiscal and policy agendas.

Treasury and Policy Board is composed of a Chair and members of the Executive Council as designated by the Governor-in-Council.

All matters and things coming before the Treasury and Policy Board are subject to Cabinet privilege to the extent that they would be if they came before the Executive Council.

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

Government Priorities and Legislation Committee

The Government Priorities and Legislation Committee is a committee of the Executive Council.

The mandate of the Government Priorities and Legislation Committee is to provide a forum for discussion, deliberations and input to inform priority setting and policy development and to review proposals for draft legislation. The Government Priorities and Legislation Committee will provide input and considerations to inform and assist decisions of the Treasury and Policy Board and Executive Council.

The Government Priorities and Legislation Committee is composed of all members of the Executive Council.

All non- Executive Council members of the Government Caucus shall be caucus participants on the Government Priorities and Legislation Committee.

All matters and things coming before the Government Priorities and Legislation Committee are subject to Cabinet privilege to the extent that they would be if they came before the Executive Council.

Those members and caucus participants of the Government Priorities and Legislation Committee who are not also members of the Executive Council shall submit an Oath of Confidentiality.

Program Review Committee

The Program Review Committee is a sub-committee of Treasury and Policy Board. The mandate of the Program Review Committee shall be to oversee the review of departmental programs and expenses and make recommendations to Treasury and Policy Board.

The Program Review Committee is composed of a Chair and members of the Executive Council and Government Caucus, as appointed by the Premier.

All matters and things coming before the Program Review Committee are subject to Cabinet privilege to the extent that they would be if they came before the Executive Council.

Those members and caucus participants of the Program Review Committee who are not also members of the Executive Council shall submit an Oath of Confidentiality.

CENTRAL GOVERNMENT OFFICES

In Nova Scotia, the Premier and Executive Council are supported by the Office of the Premier, the Executive Council Office, the Office of Strategy Management, the Department of Finance and Treasury Board, the Department of Intergovernmental Affairs, the Public Service Commission and Communications Nova Scotia.

The Deputy Minister of the Office of the Premier also acts as the CEO of the Office of Communications Nova Scotia and assists the government in defining its objectives and priorities, oversees the development of policies consistent with these priorities, and acts as a liaison on these matters with government departments. These complementary roles allow the Deputy Minister to serve as a formal link between the Executive Council and the public service.

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

Office of the Premier

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

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

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

Executive Council Office (ECO)

The Executive Council Office (ECO) is the permanent non-partisan secretariat to the Executive Council (Cabinet) and its Committees.

ECO executes government's mandate by providing strategic policy and planning advice to the Executive Council (Cabinet) and works closely with the Department of Finance and Treasury Board to ensure government initiatives are cost effective and resources are appropriately allocated. ECO ensures departments receive clear objectives, government's priority initiatives are implemented effectively and are communicated accurately.

The core activities of the Executive Council Office are:

- Provide policy support and coordination to ensure departmental initiatives align with government priorities.
- Provide effective, efficient, analysis, advice and information to Executive Council and its Committees to enable informed decisions.
- Provide support to departments to create and strengthen connections with other departments and agencies.
- Ensure effective tracking and clear communications of decisions made by Executive Council and its Committees.

- Identify opportunities to improve information and document processes for greater effectiveness and efficiency of submissions to Executive Council.
- Provides advice and support on the governance of, and appointments to agencies, boards and commissions.
- Administer corporate administrative policy manuals, and its process.
- Provide operational and administrative services to the Office of the Premier overseeing human resource, finance and budgeting, security, and business continuity requirements.

Office of Strategy Management

The Office of Strategy Management is responsible for communicating and managing the priority objectives of the Executive Council (Cabinet) and working across departments to advance government’s policy agenda. It works closely with departments and agencies to translate government’s priorities into policies, plans, programs, and initiatives intended to produce measurable results.

The core activities of the Office of Strategy Management are:

- Work with Executive Council (Cabinet) to establish government priorities.
- Articulate government’s policy priorities to departments and agencies. Foster engagement with the priorities.
- Inform and support departmental and agency planning and implementation.
- Align efforts or initiatives of government to enable the achievement of priority objectives.
- Encourage and inform horizontal collaboration and initiatives to advance progress on complex challenges.
- Work with the One Nova Scotia Collective to manage, measure and publicly report on collective progress toward the 19 goals set out by The Nova Scotia Commission on Building our New Economy; intended to help our province achieve its economic and demographic potential.
- Monitor organizational performance.

Communications Nova Scotia (CNS)

Communications Nova Scotia (CNS) is government's full-service, central communications agency, responsible under the *Public Service Act* for providing a range of services including:

- strategic communications planning;
- marketing and social media strategy, including media planning and buying;
- communications research and evaluation;
- media-relations services;
- graphic design;
- web strategy and implementation;
- photography and videography; and
- writing, editorial and French translation services.

CNS is also responsible for management of the corporate identity of the Government of the Province and social media use.

GOVERNMENT DEPARTMENTS AND OFFICES

The Nova Scotia Government is organized into departments, offices, government units, government business enterprises, government partnership arrangements and Crown corporations.

Legislation authorizes departments, offices, and other organizations to administer and deliver programs and services.

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

Deputy ministers are appointed by order-in-council as the chief administrative officers of departments who work under the direction of the Minister and who perform duties assigned by the Governor-in-Council.

The deputy minister is responsible for managing the day-to-day operations of the department, including

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

Offices carry out similar functions under a chief executive officer.

Administrative update: **June 2, 2021**
