

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 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

Administrative update: **March 1, 2018**

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 or Appendix 3-E) 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, assists 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 DIRECTOR

Proposals should be prepared in conjunction with the Department of Finance and Treasury Board's Directors of Finance 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 (HR)

Proposals should be reviewed with your HR representative to determine HR implications.

INFORMATION TECHNOLOGY (IT)

Proposals should be reviewed with the Department of Internal Services, Information, Communications and Technology Branch, to determine IT implications.

WORKING WITH THE DEPARTMENT OF FINANCE AND TREASURY BOARD

Consult with your Department of Finance and Treasury Board Corporate Financial Analyst 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 attention of the Director, Policy and Fiscal Planning Division, Department of Finance and Treasury Board 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 and Treasury Board. 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

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

Administrative update: **March 1, 2018**

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 _____ of the 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 confirmation of 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 Cabinet Advisor and Department of Finance and Treasury Board (FTB) Corporate Financial Analyst 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 or Appendix 3-E)

Communications Plan

Communications plans (Appendix 3-B or Appendix 3-E) 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. 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.

Departments should contact their Information Access and Privacy (IAP) Administrator for assistance.

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 confirmation of 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 or Appendix 3-E)

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 Regulations 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 or Appendix 3-E) 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 or Appendix 3-E)
- 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

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

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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 and Policy 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 (Appendix 3-B or Appendix 3-E), 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 Cabinet Advisor and Department of Finance and Treasury Board (FTB) Corporate Financial Analyst 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 or Appendix 3-E)

Communications Plan

Communications plans (Appendix 3-B or Appendix 3-E) 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. 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.

Departments should contact their Information Access and Privacy (IAP) Administrator for assistance.

Enquiries

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

Administrative update: **March 1, 2018**

3.5 Receipt and Review of Proposals

Upon signature by the minister, proposals are forwarded to the Executive Council Office (ECO). ECO reviews the submission for proper legal authority, logs the submission and forwards it to the Cabinet Advisor and Department of Finance and Treasury Board (FTB) Corporate Financial Analyst for staff analysis.

Working with your Analysts (Cabinet Advisor and Corporate Financial Analyst)

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

- ☐ consistency with government's framework of strategic priorities
- ☐ 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 weekly scheduled meetings of senior staff from the Executive Council Office, the Office of Strategy Management and the Department of Finance and Treasury Board. It is also highly recommended that proposals to Executive Council and/or its committees on major issues are forwarded to the assigned analysts while in draft form. This helps to streamline the process.

Assignments of analysts will change periodically. Updates will be forwarded to departments as necessary.

The Managing Director of CNS and the assigned analysts will review the communications plan (Appendix 3-B or Appendix 3-E) submitted with the proposal.

The analysts may also consult with the Department of Finance and Treasury Board's Director of Finance if additional clarification is required on financial issues. 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 analysts 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 administration.

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 Cabinet Advisor or member of ECO staff 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 must be submitted to the Coordinator of Administration, Executive Council Office electronically at least two weeks 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

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

Administrative update: **March 1, 2018**

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 or committee agenda will remain at the Executive Council Council Office as part of the official record. A letter will be sent to the Minister indicating the submission has been withdrawn.
- 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 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:

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

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

Enquiries

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

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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.

Appendices

Appendix 3-A	How Legislation is Prepared and Enacted
Appendix 3-B	Communications Plan (Corporate Priority)
Appendix 3-C	Report and Recommendation to Executive Council
Appendix 3-D	Memorandum to Executive Council
Appendix 3-E	Communications Plan (Standard)
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	
Appendix 3-M	Ministerial Appointment Form
Appendix 3-N	Form “A”
Appendix 3-O	Standing Committee on Human Resources Guidelines
Appendix 3-P	Transaction Guide
Appendix 3-Q	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 or Commissions

Enquiries

Director, Executive Council Operations
Executive Council Office
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Administrative update: **March 1, 2018**

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.

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 or office 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. It provides policy analysis and operational support to the Executive Council (Cabinet) and its committees. (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.

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.

OFFICE OF STRATEGY MANAGEMENT

The Office of Strategy Management focuses broadly on government's overall strategic objectives. The Office establishes clear measures, tracks and reports performance and works across government departments to focus on achieving results while advancing government's policy agenda.

ORDER IN COUNCIL

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

PREROGATIVE POWER

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

PRO FORMA

As a matter of, or according to, form.

PROCLAMATION

An official public announcement.

PUBLIC SERVICE ENTITIES (PSE)

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

REGISTRAR OF REGULATIONS

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

REPORT AND RECOMMENDATION TO EXECUTIVE COUNCIL (R&R)

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

SECRETARY TO 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.

Administrative update: **March 1, 2018**

7.7 Regulatory Management Policy

Policy Statement

The Government of Nova Scotia is committed to regulating in a way that contributes to a prosperous business climate and ensures that citizens, communities, and the environment are well protected. Within this context of maintaining or improving protection, government has committed to making it easier to do business in Nova Scotia, to help business comply with regulation and to improve the quality of regulations.

Regulation will only be chosen as the policy instrument of choice when it is demonstrated that government intervention is warranted and other options fail to demonstrate they will address the issue. When regulation is chosen, it will be designed to produce maximum effectiveness while minimizing to the extent possible negative impacts on stakeholders.

Departments, offices and agencies will apply principles of best practice when considering regulatory options, including when considering issues that *may* result in regulation. Best practices include identifying and understanding the issue or problem, the options, the impacts and input from stakeholders, as well as implementation and evaluation of effectiveness.

Definitions

REGULATION

A principle, rule or condition set by government that governs the behaviours of citizens or enterprises; encompassing a range of instruments that include formal rules, such as statutes, subordinate legislation, and ministerial orders, as well as less formal instruments such as standards, guidelines, codes and education and information campaigns (“*Smart Regulation: A Regulatory Strategy for Canada*”, p.3, September 2004, Government of Canada).

REGULATORY PROGRAM

Most departments, offices and agencies have programs whose goal is to protect the public interest in an area of provincial responsibility through regulation. Generally, in order to achieve the goals of these programs, regulatory tools or alternative

regulatory instruments are employed along with compliance assistance (for example, information and education campaigns, capacity building and plain language guides), compliance assurance (for example, inspection) and enforcement policies and procedures.

REGULATORY TOOL

A policy tool used by government in the form of a law or regulation which governs or influences the way people or businesses behave. Compliance is mandatory and the regulator is able to impose sanctions for non-compliance.

Regulatory tools may take many different forms, for example, price controls, product and process controls, performance standards, licensing, permitting, certifying, disclosure of information, self regulation, modification of private law rights and marketable rights.

ALTERNATIVE TOOL

A policy tool, other than a regulatory tool, that is used to influence the behaviour of individuals or businesses. These types of instruments are often implemented through a regulatory tool.

These tools, often categorized as economic instruments and persuasion, include taxation, expenditure, loans or loan guarantees, user charges, public ownership, insurance schemes/incentives and information/education and voluntary standards.

For the purposes of this policy, **regulatory tools** are limited to:

- Governor in Council regulations (Cabinet approved)
- Governor in Council approved regulations (made by the Minister, or other body, and approved by Cabinet)
- Ministerial regulations (made by the Minister)
- Government legislation.

Policy Objectives**OBJECTIVES**

This policy establishes best practice guiding principles to be employed by departments, offices and agencies in the consideration, design, construction, implementation, monitoring and evaluation of regulatory tools including compliance assistance.

The objectives of the Regulatory Management Policy are to:

- protect Nova Scotians' public health and safety, environment, and workplaces while supporting a prosperous business climate;
- improve the quality of regulatory decision making across government through the consistent application of principles of best practice in the development and implementation of regulation; and
- improve the effectiveness of regulatory programs in setting and meeting their objectives.

Application

DEPARTMENTS, OFFICES AND AGENCIES

This policy applies to all departments, offices and agencies establishing or administering regulatory programs.

TYPE OF POLICY ISSUE/REGULATION

This policy applies when a department, office or agency is:

- considering the use of a regulatory tool (legislation, regulation, adoption of performance standards), among other options, to address an issue or problem where no regulatory tool currently exists;
- proposing amendments to existing regulations to address an issue or problem and which will have a new effect;
- developing a regulatory tool;
- reviewing existing regulatory tools.

APPLICATION TO ALTERNATIVE TOOLS

This policy may be applicable to the development of alternative tools to the extent that the application of this policy assists in the decision to use an alternative tool rather than a regulatory tool. Once a decision is made to use an alternative tool, other processes employed by departments, offices or agencies may supercede the application of this policy in the development and implementation of those alternative policy instruments.

POTENTIAL SITUATIONS LIMITING APPLICATION

Situations will arise from time to time requiring immediate action by government. Consequently, for reasons of practicality or expediency, there may be justification to proscribe the full application of the regulatory management policy of a department, office or agency in these specific instances. In such cases, the departmental deputy minister or deputy head of an office or agency will determine the extent to which this policy and the considerations referenced in the Principles can be followed.

Policy

The Government of Nova Scotia is committed to following best practice principles when considering, researching, designing and implementing regulatory programs.

The following best practice principles of regulatory development are to be adopted and incorporated into the procedures and practices of departments, offices and agencies in their regulatory tool development and management processes:

PRINCIPLES

1. Clearly define the problem to be addressed

How a problem is defined influences the tools or instruments selected to address it. The problem being considered must be clearly identified and defined in order to frame the issues, to fully understand its root causes and the scope of the problem. Those impacted and those responding to the problem should be involved in the problem definition process. Initial performance measures relating to the desired behavioural outcomes should be considered in the process of problem identification to help conceptualize the problem to be addressed.

2. Demonstrate that regulation on an identified problem is warranted and required

The design of an intervention must always be informed by the ability to make the desired impact on the identified problem. The need for regulation, as opposed to some other policy instrument, including an alternative regulatory instrument, must be justified given the available information and the identified risk to be managed. A specific regulatory tool must be justified in terms of government direction and policy coherence as well as in terms of competing demands on departmental resources and departmental priorities.

3. Provide transparency in regulatory development and implementation

Given that regulation is under consideration, the active engagement of significantly affected parties will begin as early as possible in the identification and assessment of issues, as well as in the determination of the impacts of a regulatory program or tool. As appropriate, stakeholder engagement should be sustained throughout the development of regulation to contribute to the understanding of implementation issues. Wherever feasible, proposals for regulations should contain clear plans to address all pertinent compliance assistance, assurance and enforcement issues identified by stakeholders.

4. Assess the costs and benefits of regulation

Based on the defined problem, risks are identified and initial objectives are considered early in the regulatory tool development process. The potential impacts of the available regulatory tools need to be examined and assessed if there are regulatory options. Regardless of the regulatory tool chosen, the likely benefits, costs and effects of new or changed regulations must be understood. How costs can be minimized while maximizing benefits must be considered in the development of regulatory tools and their implementation. The enforcement costs of regulations including internal training needs, inspection strategies and enforcement tools must also be considered.

5. Minimize the impacts of regulation on a fair, competitive and innovate market economy

The costs and impacts on a fair, competitive and innovative market economy, as well as the social and environmental impacts, will be considered in decisions relating to the development and implementation of all regulations. The specific regulatory tool will be the best policy alternative to address the identified problem because it provides the greatest public benefit without imposing unnecessary or unreasonable burden on business. In all instances, administrative requirements will be as streamlined as possible without jeopardizing the objectives of the regulatory program.

6. Minimize or eliminate divergent and duplicate regulatory requirements

Duplication or overlap with regulatory regimes in other levels of government must be identified and minimized or eliminated in the development of regulations in order to reduce the regulatory burden impacting business and individuals. To the greatest extent possible, departments must ensure consistency in the intent and outcomes of provincial regulations across sectors or areas. Intra and cross-departmental input must be sought as appropriate to remove unnecessary duplication of requirements and to maximize harmonization of all regulatory regimes.

7. Design regulations that focus on the desired outcomes and objectives

Based on analysis of the information and evidence available, a specific regulatory tool will be chosen because it is the most appropriate method to achieve the identified goals. Regulatory tools should be results-based or performance-based wherever appropriate and to the extent possible. Regulations should be prescriptive when there is a specific and justifiable need to state detailed or technical requirements in order to address the identified problem.

8. Ensure regulations are easily understood, accessible and enforceable

During the selection and development of regulatory tools, departments and agencies will thoroughly consider how these tools should be communicated to all stakeholders. Regulations must be written in a format that best achieves the desired policy objectives while remaining clear and unambiguous. As appropriate, regulatory tools should be accompanied by compliance assistance materials, which may include press releases, brochures, guidance documents and web pages. It must be clear to those impacted by a regulation what their responsibilities are given the compliance expectations. It is not only the technical feasibility of the regulatory option that must be examined to ensure it can be implemented, but also that the necessary and sufficient compliance assistance can be provided.

9. Review the effectiveness and efficiency of regulations routinely

Included in the development and implementation of new regulations will be the consideration of measurement, monitoring, and review procedures. The external conditions that require government intervention can change over time placing an onus on departments, offices and agencies to review all regulations to test whether they are still relevant and effective. Routine review protocols should be part of the implementation planning for new regulatory programs and developed for existing ones. Wherever feasible, efforts should be made to formally evaluate regulations developed to protect the public interest.

Policy Guidelines

Practical advice and direction in implementing this policy is provided in the *Regulatory Management Policy Guide*, May 2008, Treasury and Policy Board.

Accountability**DEPUTY MINISTER/DEPUTY HEAD**

The deputy minister or deputy head is responsible for ensuring that this policy is implemented throughout the department, office or agency.

SENIOR MANAGERS/SUPERVISORS

Senior managers and supervisors are responsible for ensuring the requirements of this policy and associated procedures are followed and for ensuring the appropriate staff have access to the available supports provided to assist in the implementation of this policy.

OFFICE OF POLICY AND PRIORITIES

Analysts at the Office of Policy and Priorities will support the implementation of this policy by challenging departments, offices and agencies to address the objectives of the policy.

DEPARTMENT OF JUSTICE

Solicitor Services

Solicitors assigned to departments are responsible for:

1. participating in the evaluation of the range of regulatory options and advising on the benefits and liabilities of the options;
2. advising on the legality of the use of potential regulatory tools;
3. assisting with drafting instructions for legislation prepared by Legislative Counsel, and drafting regulations;
4. approving proposed regulations as to form and authority on behalf of the Attorney General.

Registry of Regulations

The Registry of Regulations is responsible for reviewing proposed regulations that are made or approved by Governor in Council to ensure that they are drafted in the format and style set out in the *Style and Procedures Manual*, January 2005, issued by the Department of Justice.

COMMUNICATIONS NOVA SCOTIA

Communications Nova Scotia staff assigned to departments, offices and agencies will assist in ensuring regulatory changes are communicated with the appropriate audiences.

Monitoring

The general application of this policy will be monitored by the Office of Policy and Priorities through the analysis of regulatory submissions presented for the approval of Executive Council.

References

Regulatory Management Policy Guide, May 2008, Treasury and Policy Board.
Style and Procedures Manual, January 2005, NS Department of Justice.

Enquiries

Office of Policy and Priorities (902) 424-7751

Approval date: **September 24, 2008**

Approved by: **Executive Council**

Effective date: **September 21, 2010**

Administrative update: **August 21, 2013**

3.10 Self-regulated Professions Policy

Policy Statement

It is the policy of the Nova Scotia government to establish self-regulated professions only when self-regulation is determined to be in the best interests of the public.

Definitions

ADVISORY COMMITTEE ON SELF-REGULATION

The interdepartmental working group established for purposes of developing and sharing knowledge and expertise respecting self-regulated professions or occupations, and providing advice to departments and, when requested, to Treasury and Policy Board. Terms of reference for the Advisory Group are set out in Schedule C to this Policy.

GUIDE

The document entitled “Self-regulation in Nova Scotia: A Guide for Nova Scotia Government Departments” attached as Schedule B.

RESPONSIBLE DEPARTMENT

The department that is asked to analyze a proposal for new or amended legislation respecting a self-regulated profession.

RESPONSIBLE MINISTER

The Minister responsible for the legislation governing a self-regulated profession.

SELF-REGULATED PROFESSION

An occupation or profession that has been authorized by government to regulate its own members.

Policy Objectives

The objectives of the policy are to ensure that Treasury and Policy Board receives complete, accurate and relevant information upon which to make decisions respecting self-regulated professions and to improve the quality and consistency of submissions requesting new or amended legislation.

Application

The policy applies to any request for new legislation establishing a self-regulated profession, and any amendments to existing legislation governing a self-regulated profession.

Policy Directives

- I. In general, no request for legislation that would establish a new self-regulated profession may be submitted to Executive Council for approval until the responsible department is able to demonstrate that:
 - a. There are substantial risks to individual clients and/or the public, which are not remote and cannot be addressed more efficiently and effectively through means other than self-regulation.
 - b. The members of the profession have the capacity to self-regulate – that is,
 - i. they are sufficiently well-organized and have the financial and human resources needed to assume responsibility for self-regulation;
 - ii. they have demonstrated a commitment to democratic principles, including principles of fundamental justice, in their dealings with one another, clients and the general public; and
 - iii. they have demonstrated they are able to act collectively in the best interests of clients and the general public.
 - c. The majority of the proposed members deliver services in circumstances where they cannot be effectively supervised by others, and clients are unable to assess the quality of services provided.
 - d. There is a defined route of entry to the profession and a body of knowledge that could form the basis of practice standards.
 - e. The anticipated benefits of establishing the new profession outweigh the negative impacts of doing so (including increased costs to consumers, government and other professions, reduced access to services, and barriers to labour mobility and immigration).
 - f. The proposed legislation satisfies the requirements set out in Schedule A.
 - g. The issues and recommendations set out in the Guide have been considered by the responsible department.
2. In general, no request to amend existing legislation in respect to a self-regulated profession may be submitted to Executive Council unless the responsible department is able to demonstrate that:

- a. The proposed amendments will address substantial or pressing issues, and will enhance the profession's ability to regulate itself in the public interest.
- b. The anticipated benefits of making the amendments outweigh the negative impacts of doing so.
- c. The proposed amendments satisfy any requirements set out in Schedule A that relate to matters addressed by the amendments, provided that Executive Council may waive one or more requirements where the existing provisions, amended in the manner requested, would sufficiently support government's policy objectives in relation to those matters.
- d. The department has concluded a more comprehensive review of the existing statute is not needed at present, taking into account:
 - i. The history of the existing legislation;
 - ii. Whether the existing legislation is consistent with government's current policy objectives in respect to self-regulated professions;
 - iii. Whether the profession has demonstrated a robust capacity and commitment to regulating itself in the public interest; and
 - iv. The significance and urgency of the issues the proposed amendments are designed to address.

Policy Guidelines

Policy guidelines are set out in the Guide attached as Schedule B, which Guide may be revised from time to time with the approval of Treasury and Policy Board or the Clerk of Executive Council.

Accountability

Deputy Ministers are accountable for ensuring the requirements of the Policy have been met before a request for legislation is submitted to Executive Council for consideration.

Monitoring

Executive Council Office is responsible for monitoring implementation of the Policy, with input and advice from the Advisory Committee on Self-regulation.

Enquiries

Executive Director, Operations
Executive Council Office
(902) 424-7759

Approval date:	<i>January 25, 2017</i>	Effective date:	<i>January 25, 2017</i>
Approved by:	<i>Treasury and Policy Board</i>	Administrative update:	

Schedule A

Requirements for New or Amended Legislation respecting Self-regulated Professions

1. The legislation clearly articulates a mandate for the profession and provides that the primary duty of the profession is to regulate itself in the public interest.
2. The proposed legislation establishes basic rules in respect to:
 - a. The composition of the profession's governing body;
 - b. The profession's scope of practice
 - c. Registration requirements;
 - d. Investigation and resolution of complaints; and
 - e. Rights of review and appeal in respect to registration decisions and disciplinary processes.
3. The legislation complies with the requirements of the *Fair Registration Practices Act* and applicable trade agreements.
4. The legislation creates registration, complaints investigation and disciplinary procedures in compliance with principles of fundamental justice and the Canadian Charter or Rights and Freedoms.
5. The legislation provides that at least one third of all members of the governing board are public representatives appointed by government and at least one of those members serves on each statutory committee responsible for reviewing registration decisions or investigating or disciplining members.
6. The legislation creates appropriate mechanisms for ensuring accountability reporting to members of the profession, the responsible Minister and the general public.
7. The legislation is drafted in accordance with the following general principles:
 - a. Legislation and regulations governing self-regulated professions should be drafted in accordance with the drafting conventions that apply to other sorts of legislation and regulations;

- b. Powers may be distributed in various ways across legislation, regulation and by-laws, provided they are distributed in a manner that strikes a balance acceptable to government between granting the flexibility and autonomy professions need to regulate themselves effectively and furthering other key policy objectives (such as minimizing unnecessary regulation, and establishing an appropriate degree of transparency, stakeholder engagement and accountability to clients, members, government and the public);
- c. In the interest of transparency, matters of interest to those outside the profession (including government, the general public, potential members, employers and or clients/patients) should normally be dealt with in legislation or regulations made or approved by government rather than in by-laws;
- d. In general, only matters that are administrative in nature and internal to the profession should be dealt with in by-laws, and by-laws should be readily accessible to both members of the profession and the public;
- e. In determining whether a matter will be dealt with in legislation, regulations or by-laws, the department should consider the following questions:
 - i. Whose interests may be affected?
 - ii. Who needs ready access to the rules?
 - iii. Is public accountability and transparency needed to maintain public confidence in the profession and/or the legislative scheme?
 - iv. Is the matter one that could have significant implications for clients, the public and/or some segment of the profession?
 - v. How frequently do the rules respecting the matter require updating?
- f. The legislation should incorporate rules respecting the creation of regulations and by-laws that enable members to have an appropriate degree of involvement in their development but do not impede the profession's ability to regulate itself in the public interest; for example, legislation should generally include a requirement that members be consulted on proposed regulations and by-laws and may, in appropriate circumstances, require that by-laws be approved or ratified by members.

Schedule B

Self-regulation in Nova Scotia: A Guide for Nova Scotia Government Departments

Available on-line at: <http://novascotia.ca/treasuryboard/manuals/PDF/SRPNSGuide.pdf>

Schedule C

Terms of Reference for the Advisory Committee on Self-regulation

Purpose

- The purpose of the Advisory Committee is to provide advice and support to government departments and offices charged with making recommendations in respect to legislative and regulatory proposals respecting self-regulated professions.

Guiding Principles

- The Advisory Committee works collaboratively to maintain a sound understanding of best practices in regards to self-regulated professions and to achieve common objectives.
- The Advisory Committee respects a diversity of opinion while working to achieve a corporate consensus on issues of concern to government.

Roles and Responsibilities

- Contribute to developing a better understanding across government of principles and best practices in respect to self-regulated professions and departments' roles in relation to them.
- Review and make recommendations in respect to amending the Treasury and Policy Board Policy respecting Self-regulated Professions as needed.
- Review and update "Self-regulation in Nova Scotia: A Guide for Nova Scotia Government Departments" and the accompanying Fact Sheet for Proponents as needed.
- When requested to do so, share insights and expertise with government departments responsible for reviewing legislative or regulatory proposals respecting self-regulated professions.
- Review legislative or regulatory proposals respecting self-regulation when requested to do so by Treasury and Policy Board or Executive Council.

Information/Reporting

- The Advisory Committee will provide an annual report on its activities to the Deputy Minister responsible for Treasury and Policy Board.

Procedures

- Members will make best efforts to attend all Committee meetings.
- Alternates may attend Advisory Committee meetings to ensure continuity of participation.

Composition

- The Advisory Committee will consist of representatives appointed by a broad range of government departments and offices, including at least the following: the Department of Justice, the Department of Health and Wellness, the Office of Service Nova Scotia, the Department of Labour and Advanced Education, the Office of Immigration, and Executive Council Office.
- Advisory Committee meetings will be co-chaired and coordinated by representatives of Labour and Advanced Education and the Department of Health and Wellness.

Frequency of Meetings

- The Advisory Committee will meet at least annually to consider whether amendments to the Policy, Guide, Fact Sheet or these Terms of Reference should be recommended.

Appendices

Appendix 3-A	How Legislation is Prepared and Enacted
Appendix 3-B	Communications Plan (Corporate Priority)
Appendix 3-C	Report and Recommendation to Executive Council
Appendix 3-D	Memorandum to Executive Council
Appendix 3-E	Communications Plan (Standard)
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-M	Ministerial Appointment Form
Appendix 3-N	Form “A”
Appendix 3-O	Standing Committee on Human Resources Guidelines
Appendix 3-P	Transaction Guide
Appendix 3-Q	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 or Commissions

Appendix 3-A

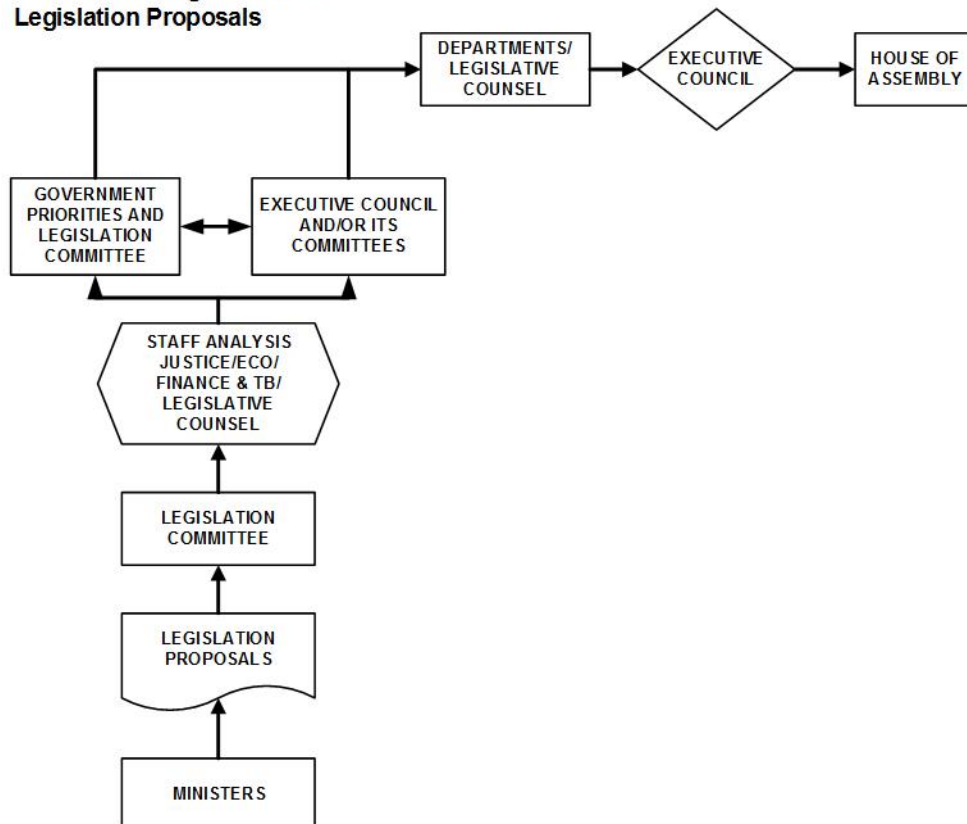
How Legislation is Prepared and Enacted

Legislative proposals are processed through the Executive Council's Government Priorities and Legislation Committee. 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.

Decision Making Process – Legislation Proposals



This chart illustrates how the decision-making process works for legislative proposals. Prior to each legislative session, the Government Priorities and 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 Government Priorities and Legislation Committee. The Legislation Committee considers each Request for Legislation and determines whether to approve the request for drafting for the upcoming session.

Once a request is approved for drafting, a lawyer in the Office of Legislative Counsel is assigned to the file and working with the department, a draft bill is prepared. The draft bill then goes back to the Government Priorities and 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. For more information about the House of Assembly and the Legislative Process, please go to <http://nslegislature.ca/>.

*Administrative update: **March 1, 2018***

Corporate Priority Communications Plan [Template]

Advice to Executive Council

Plan Title:
Department:
Accompanying: ☐R&R ☐RFL ☐MEC
Date:
Prepared by:

Narrative:

Communication Objectives:

Context:

Research:

Strategy:

Stakeholders & Partners:

Key Stakeholder	Expected Position (supportive/neutral/resistant)	Issues	How they will be engaged

Diversity:

Key Messages:

Talking points:

Roll-out Plan:

- Rural/Regional/Interdepartmental considerations:
- Production:
- Digital content:
- Traditional Media:
- Internal Communications:

Resources:

Evaluation:

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.

Approvals

Attorney General

Approved as to Form and Authority

Registrar of Regulations

Approved as to Form

Date

Clerk of the Executive Council

Date Rec'd.

Treasury and Policy Board

Date Rec'd.

Executive Council

Approved

Withdrawn

Referred to

Date

Summary:

Provide a bullet point summary of the proposal including:

- Objective

- Outcome sought

- Financial impact

- Considerations impacting timing of the decision

- Recommendation

LEGAL AUTHORITY

This section must make reference to, and quote, the legal authority for the proposed action. It may be worded, as follows:

“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)”,

(Or)

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).

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 and Policy Board or another committee of the Executive Council? 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 Business Plan and/or Minister’s Mandate Letter.

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 and Treasury Board before entering into a net debt obligation - See Section 77 R&R template if the request requires this approval.

- ☐ Yes (attached)
- ☐ No

Section 78 requires Treasury and Policy 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 Corporate Financial Analyst at Finance and Treasury Board 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 Department of Internal Services, Information, Communications and Technology Services branch, 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.

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 are 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.

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 and Policy Board or another committee of the Executive Council? 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 Business Plan and/or Minister’s Mandate Letter.

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 and Treasury Board before entering into a net debt obligation - See Section 77 R&R template if the request requires this approval.

- ☐ Yes (attached)
- ☐ No

Section 78 requires Treasury and Policy 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 Corporate Financial Analyst at Finance and Treasury Board 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 Department of Internal Services, Information, Communications and Technology Services branch, 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, 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.

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 are 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

*Administrative update: **March 1, 2018***

Communications Plan [Template]

Advice to Executive Council

Plan Title:
Department:
Accompanying: ☐R&R ☐RFL ☐MEC
Date:
Prepared by:

Narrative:

Communication Objectives:

Background/Context:

Stakeholder/Key Audience Analysis:

Research:

Strategy:

Three Key Messages:

Issues:

Roll-out:

Links to Government Priorities, Departments, and/or Agencies:

Evaluation:

Sent to Executive Assistant:
Approved by Managing Director:
Approved by Deputy:
Approved by Minister:

Appendix 3-F Sample Order in Council



**Executive
Council**

*A certified copy of an Order in Council dated
January 10, 2018*

2018-1

The Governor in Council on the report and recommendation of the Minister of Education and Early Childhood Development dated October 19, 2017, and pursuant to Section 6 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, is pleased to approve the Minister of Education and Early Childhood Development entering into the Canada-Nova Scotia Early Learning and Child Care Agreement with the Government of Canada, in accordance with the terms and conditions approved by 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 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 and 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-J) 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 assigned Cabinet Advisor and the Department of Finance and Treasury Board Corporate Financial Analyst 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.	<p>Provide the exact numbering and wording of the amended regulations.</p> <p>If a new regulation, provide the exact numbering and wording that is being added.</p> <p>If a repeal of a regulation, provide the exact numbering and wording that is being repealed.</p>	<p>The analysis is drawn from the body of the R&R but presented in non legal terms. It should include:</p> <ul style="list-style-type: none">• An explanation of the change and why it is recommended• The beneficial outcomes and possible negative outcomes that may be attained• How these changes will impact the stakeholders.

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

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>		
<ul style="list-style-type: none"> What is the problem that is to be solved? 		
<ul style="list-style-type: none"> What is being proposed / goal? 		
<ul style="list-style-type: none"> Are there alternatives to the regulation, e.g., voluntary schemes, codes of practice, self regulation, procedures, improved information? 		
<ul style="list-style-type: none"> Is this a new problem or a past continuing problem? 		
<ul style="list-style-type: none"> 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>		
<ul style="list-style-type: none"> Give the general scope of who is affected by the regulations (winners and losers). 		
<ul style="list-style-type: none"> Who was consulted and how? 		
<ul style="list-style-type: none"> What were the positions expressed? 		
<ul style="list-style-type: none"> 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>		
<ul style="list-style-type: none"> How do other jurisdictions deal with the problem? 		

<ul style="list-style-type: none"> • Are Nova Scotia's requirements and standards similar or stiffer than in other jurisdictions? 		
<ul style="list-style-type: none"> • 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? 		
<ul style="list-style-type: none"> • What are cost impacts to those who have to comply? 		
<ul style="list-style-type: none"> • To what extent does it increase regulatory burden? 		
<ul style="list-style-type: none"> • Does regulation create a competitive advantage or disadvantage for particular groups? 		
<ul style="list-style-type: none"> • Does this cost vary with location, e.g., metro or rural? 		
<ul style="list-style-type: none"> • Does this cost impact vary with size of operation? 		
4. Do the benefits of the regulation outweigh the risks or consequences without the regulation?		
<ul style="list-style-type: none"> • What are the benefits? Please quantify. 		
<ul style="list-style-type: none"> • What are the risks of not regulating? 		
<ul style="list-style-type: none"> • Does Government have resources to enforce and are regulations enforceable? 		
5. Can the regulation be administered efficiently with minimal procedures and paperwork?		
<ul style="list-style-type: none"> • Is there overlap or duplication with other ministries, federal government, or municipalities? 		

<ul style="list-style-type: none"> Has the number of government agencies involved in regulating this area been minimized? 		
<ul style="list-style-type: none"> Has consideration been given to exemption or simplified procedures for small business or rural areas? 		
<ul style="list-style-type: none"> Is the legislation and the proposed regulation compatible with the government's proposed e-commerce system? 		
6. Review and Follow-up		
<ul style="list-style-type: none"> 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.

Approvals

Attorney General

Approved as to Form and Authority

Registrar of Regulations

Approved as to Form

Date

Clerk of the Executive Council

Date Rec'd.

Treasury and Policy Board

Date Rec'd.

Executive Council

Approved

Withdrawn

Referred to

Date

Summary:

Provide a clear concise summary of the proposal and the results sought.

Indicate whether:

(a) seeking authority under Section 77 of Finance Act

(b) seeking authority to enter into agreement/transaction

(c) Section 6 of Public Service Act applies

Legal Authority

This section must make reference to, and quote, the legal authority for the proposed action.

For authority under section 6 of Public Service Act, include the following

The undersigned has the [further] honour to refer to Section 6 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the Public Service Act.

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.

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 of Finance and Treasury Board

Page 1 of 6

- (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 the Department of Finance and Treasury Board 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 and Treasury Board approve the net debt obligation under clause (3)(a). The minimum information needed 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 and Policy 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 (as a specific line item, directly relating to the transaction for the full dollar amount and extending into all of the subsequent fiscal years), then Treasury and Policy Board has already approved it and no further approval under Section 78 of the *Finance Act* is necessary. If Treasury and Policy 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 and Policy 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 and Policy Board or another committee of the Executive Council? 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 Business Plan and/or Minister’s Mandate Letter.

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 and Treasury Board before entering into a net debt

obligation (formerly 59C of the *Provincial Finance Act*)

- ☐ Yes (attached)
- ☐ No

Section 78 requires Treasury and Policy 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 Corporate Financial Analyst at Finance and Treasury Board 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 Department of Internal Services, Information, Communications and Technology Services branch, 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.

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 are 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 and Policy 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 and Policy 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 and Treasury Board]

Halifax, Nova Scotia
(Date)

Administrative update: March 1, 2018

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.

<div>APPROVALS</div> <div><div></div><div>Attorney General</div><div>Approved as to Form and Authority</div></div>	<div>Summary:</div> <div>Provide a brief description of the appointment the Minister proposes to make. For example, <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></div>
<div><div>The Clerk of the Executive Council Office</div><div>Date Rec'd. <div></div></div><div>Executive Council</div><div>Date Rec'd <div></div></div></div>	<div>Under each of the required headings, please provide the information specified below. Also, see the Note below regarding required and recommended attachments.</div> <div><div>Legal Authority</div><div>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: <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></div></div>

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

A Communications Plan is required with respect to the proposed appointment. See Appendix 3-B or Appendix 3-E.

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 (Appendix 3-B or Appendix 3-E).

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 (Appendix 3-B or Appendix 3-E).

* 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.

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? Number of previous terms served: _____ Number of previous years served: _____

☐ Yes ☐ No

Previous Expiry Date: _____

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.

Administrative update: **July 27, 2015**

* Final decision on routing of submissions and submission requirements are made by the Secretary/Clerk to the Executive Council through the Agenda Management process						
	Type of Transaction *	Department Solicitor for Department of Justice	Treasury and Policy Board	Executive Council	Documentation Required	Comments
1	Transactions Requiring Governor in Council (GIC) Approval	Yes	Yes if financial implication	Yes	Report and Recommendation (R&R) Communications Plan	
2	Financial Assistance/Investment Transactions requiring GIC approval	Yes	Yes	Yes	Report and Recommendation (R&R) Terms and Conditions of Financial Assistance/Investment Communications Plan For transactions requesting a payroll rebate over \$10M please also include the following: - cash flow schedule - draft business profile	For Financial Assistance/Investment to be made by SOFI: Nova Scotia Business Inc. (over \$10M) Nova Scotia Fund Nova Scotia Farm Loan Board Nova Scotia Fisheries and Aquaculture Loan Board (Refer to specific legislation and regulations for these entities.)
3	Loan Guarantees requiring GIC approval	Yes	Yes	Yes		Department of Finance must be consulted (Section 77 of the <i>Finance Act</i>)
4	Agreements/MOU's with the Government of Canada or the government of a province or agency.	Yes	Yes if financial implication	Yes	Report and Recommendations (R&R) Proposed Agreement Communications Plan	Under Section 6 of the <i>Public Service Act</i> , a Member of Executive Council requires Governor in Council approval to enter into an agreement with the Government of Canada or the government of a province or agency. Before submitting a proposal to Executive Council that has intergovernmental implications (federal or other provincial and territorial governments - not municipal or Aboriginal governments), departments are to consult with the Department of Intergovernmental Affairs. The outcome of the consultation must be documented in the formal submission (R&R) to the Executive Council.
5	Regulations (New or Amendments)	Yes	Yes if financial implication	Yes	R&R New/Amended Regulations Regulations Analysis Form Regulations (Red Tape Reduction) Criteria Check List Communications Plan	Regulations approved by Executive Council will be filed with the Registry of Regulations. The Regulation (Red Tape Reduction) Criteria Check List is a tool to assist departments as they are developing new regulations and for the ongoing review of existing regulations that impact business. It should cause departments to conduct rigorous policy assessment that includes the impacts and benefits of the proposal. Note: Minor housekeeping amendments do not require the RTR Check List.
6	Adjudicative Appointments	Yes	No	Yes - Consent Agenda	R&R/Ministerial Appointment Form Precis Communications Plan	

	Type of Transaction *	Department Solicitor for Department of Justice	Treasury and Policy Board	Executive Council	Documentation Required	Comments
7	Appointments to Agencies, Boards and Commissions (non-adjudicative)	Yes	No	Yes - Consent Agenda	R&R/Ministerial Appointment Form Resume Form "A" (if required) Standing Committee on HR Guidelines (if required) Communications Plan	Where required, the recommendation of Executive Council will be referred to the House of Assembly Standing Committee on Human Resources.
8	Land Transactions requiring GIC approval	Yes	Yes - if financial implication	Yes	Report and Recommendation (R&R) Map Communications Plan	Land transactions include Expropriations, sales, purchases, sales at less than market value, easements.
9	DNR/TIR Ministerial land transactions under 25 acres/\$25,000	No	No	Yes - Consent Agenda	Memorandum to Executive Council Summary Chart Communications Plan	Covers land administered by DNR under the <i>Crown Lands Act</i> and <i>Wildlife Act</i> and TIR transactions under the <i>Public Highways Act</i> and <i>Surplus Crown Property Disposal Act</i> .
10	Land Title Clarification Act Release of Crown Interest	Yes	No	Yes - Consent Agenda	Memorandum to Executive Council Map Communications Plan	Allows the Crown to release an interest in occupied, unacknowledged Crown land (Green Layer)
11	Additional funding request - in year	No	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	
12	Additional funding request - out years	No	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	
13	Additional FTE request	No	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	
14	Major Reorganization, Restructuring	Not unless there is a legal implication.	Yes	Yes	Memorandum to Executive Council Communications Plan Existing organizational charts Proposed organizational charts	
15	Major Corporate Policy/Strategy	Not unless there is a legal implication.	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	
16	New Programs	No	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	
17	Request for Proposals (Major)	No	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	
18	Permission to Consult	No	Maybe	If referred by TPB	Memorandum to Executive Council or presentation Communications Plan	Depends on the topic and the extent if consultation proposed. TOB authorization may be needed. Discuss with your Cabinet Advisor.
19	Corporate Administrative Policies and Procedures (Management Manuals)	No	Yes	If referred by TPB	Memorandum to Executive Council Draft Corporate Administrative Policy Communications Plan	All new corporate administrative policies, as well as any material revisions and repeal of corporate administrative policies, require Treasury and Policy Board approval. Template for Corporate Administrative Policy Submissions, Appendix 3-R (See 1.2 Management Manual Policy < http://www.novascotia.ca/treasuryboard/manuals/100MgmtGuide.htm >).

	Type of Transaction *	Department Solicitor for Department of Justice	Treasury and Policy Board	Executive Council	Documentation Required	Comments
20	Personal Services Contracts	Proposed Contract	Yes	If referred by TPB	Memorandum to Executive Council Proposed Contract Communications Plan	<p>The Personal Services Contract Regulations made pursuant to the <i>Public Service Act</i> require approval of Treasury and Policy Board or Executive Council for personal services contracts entered into by departments, offices or government agencies that contain total compensation over \$120,000.</p> <p>Personal services contracts entered into by a department, office or government agency containing total compensation less than \$120,000 must follow a separate approval process.</p> <p>Please see the Personal Services Contract Regulations and Chapter 2.1 of Management Manual 500 for further information.</p>
21	Labour Bargaining Mandate	No	Yes	If referred by TPB	Presentation or Memorandum to Executive Council	
22	Professional Services Request	No	Yes	No	Professional Services request Ministerial approval over \$5,000 high/low value procurement form	Refer to Treasury and Policy Board Administrative Directive - Procurement of Professional Services 2011/07/12
23	Presentation on Legislation Request	Yes	If referred by Government Priorities & Legislation Committee (GPL)	If referred by GP&L	Presentation	
24	Request for Legislation	Yes	Yes	If referred by TPB	Memorandum to Executive Council - Request for Legislation Communications Plan	
25	TCA request (current year or out year)	No	Yes	If referred by TPB	Memorandum to Executive Council Communications Plan	

Agenda Item #: _____
Date: _____

Department State the Department, Agency, Public Service Entity (PSE), etc.

Subject: Give the subject of the submission in a succinct and clear statement, so that Ministers can read this line and have a clear understanding of what the request is.

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 that is not factual information.

Proposal

- 4. Describe the problem the proposal is intending to address and state what the department is requesting. This does not have to be verbatim as it is set out in the submission.

Staff Analysis

- 5. This should include all relevant issues that led you to your assessment (e.g., social, economic, stakeholders, consultations, alternatives, legal implications).

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 and Treasury Board advice is necessary.
- 8. Does this request require additional statutory capital authority? If so, how much?
- 9. Is this proposal likely to have an impact on creditors or credit rating agencies (positive, negative, neutral)?

Staff Assessment

- 10. 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 prioritiesConclude with your recommendation using one of the following statements:
 - ☐ recommended as submitted by the department
 - ☐ recommended with conditions - (and note what these conditions are and how these recommendations should appear in a minute letter or changes which may need to be made prior to implementation of an order in council
 - ☐ not recommended

NOTE: Departments should be made aware of a recommended position which differs from what was put forward by the department.

Signature _____
Cabinet Advisor
Office of Planning and Priorities

Signature _____
Financial Analyst
Department of Finance and Treasury Board
(Assessment of financial risk and implications only)

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 – date approved.

Approved by – who approved the policy.

Effective date – date policy came into affect.

Administrative update – non-substantive updates made to the policy which did not require the policy to go back to the approving body.

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.

The Departmental Solicitor who has reviewed the proposal must sign beside his/her name to confirm that he/she has been consulted on the legal implications.

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.

SUMMARY:	Provide a clear concise summary of the proposal
<i>The Executive Council is being asked to approve amendments to the * Act to *</i> <i>or</i> <i>The Executive Council is being asked to approve a new * Act *.</i>	

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 and Policy Board or another committee of Cabinet? 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 the Director of Finance. Include a statement that says the financial implications have been reviewed by Finance staff.

INFORMATION TECHNOLOGY

Is there a technology component to this request?

☐ Yes

If yes, detail the consultations that have been conducted with the Department of Internal Services, Information, Communication and Technology Services Branch, 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

Provide detailed information identifying parties consulted, the status/results of the consultations and any additional interested parties that have not been consulted and the reasons why not.

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

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 are 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

Registrar of Regulations

Approved as to Form

Date

Clerk of the Executive Council

Date Rec'd.

Treasury and Policy Board

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.

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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

A Communications Plan is required with respect to the proposed appointment. See Appendix 3-B or Appendix 3-E.

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)

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 (Appendix 3-B or Appendix 3-E).

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 (Appendix 3-B or 3-E).

* 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.

*Administrative Update: **March 1, 2018***