



# **BILL NO. 54**

*Government Bill*

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*1st Session, 61st General Assembly  
Nova Scotia  
58 Elizabeth II, 2009*

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**An Act to Amend Chapter 155  
of the Revised Statutes, 1989,  
the Executive Council Act, and  
Chapter 376 of the Revised Statutes, 1989,  
the Public Service Act**

CHAPTER 14  
ACTS OF 2009

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
NOVEMBER 5, 2009**

The Honourable Frank Corbett  
*Deputy President of the Executive Council*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 155  
of the Revised Statutes, 1989,  
the Executive Council Act, and  
Chapter 376 of the Revised Statutes, 1989,  
the Public Service Act**

Be it enacted by the Governor and Assembly as follows:

**1** Section 3 of Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*, as amended by Chapter 14 of the Acts of 1992, Chapter 21 of the Acts of 1993, Chapter 19 of the Acts of 1994, Chapter 1 of the Acts of 1995-96, Chapter 8 of the Acts of 1996, Chapter 25 of the Acts of 1996, Chapter 4 of the Acts of 2001 and Chapter 4 of the Acts of 2008, is further amended by

(a) adding “and Rural” immediately after “Economic” in the first line of clause (f);

(b) adding immediately after clause (l) the following clause:

(la) the Minister of Policy and Priorities;

and

(c) striking out clause (r) and substituting the following clause:

(r) the Chair of the Treasury Board;

**2** Subsection 5A(1) of Chapter 155 is repealed and the following subsections substituted:

(1) The Lieutenant Governor may appoint under the Great Seal of the Province as honorary members of the Executive Council members and former members of the House of Assembly.

(1A) On and after the coming into force of this Section, the Lieutenant Governor shall appoint under the Great Seal of the Province as honorary members of the Executive Council persons who become former members of the Executive Council after the coming into force of this Section so long as the person has not been convicted of an offence as referred to in subsection (1B).

(1B) Where a person who is appointed as an honorary member of the Executive Council pursuant to this Section is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, that person forthwith ceases to be an honorary member of the Executive Council and is disqualified from being appointed as an honorary member again in the future.

**3** Chapter 155 is further amended by adding immediately after Section 9 the following Section:

9A The Governor in Council may appoint members of the House of Assembly to be ministerial assistants.

**4 Section 2 of Chapter 376 of the Revised Statutes, 1989, the Public Service Act, as amended by Chapter 14 of the Acts of 1992, Chapter 38 of the Acts of 1993, Chapter 31 of the Acts of 1994, Chapter 1 of the Acts of 1995-96, Chapter 8 of the Acts of 1996, Chapter 25 of the Acts of 1996, Chapter 4 of the Acts of 2001, Chapter 2 of the Acts of 2006, Chapter 44 of the Acts of 2006, Chapter 4 of the Acts of 2008, Chapter 28 of the Acts of 2008, Chapter 29 of the Acts of 2008 and Chapter 30 of the Acts of 2008, is further amended by adding “and Rural” immediately after “Economic” in the first line of clause (c).**

**5 Section 2A of Chapter 376, as enacted by Chapter 8 of the Acts of 1996, is amended by adding “, office or committee established under this Act” immediately after “department” in the second line.**

**6 Section 7 of Chapter 376 is repealed and the following Section substituted:**

7 The Governor in Council may appoint a person to be a deputy minister who shall be paid such salary as the Governor in Council determines and shall perform such duties as are, from time to time, prescribed by the Governor in Council.

**7 Section 7A of Chapter 376, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out “and Policy” in the second last line.**

**8 Sections 9 to 14 of Chapter 376 are repealed and the following Sections substituted:**

9 (1) There shall be a committee of the Executive Council called the Treasury Board, charged to ensure that plans and policies for the operation of the Government of the Province are implemented in a co-ordinated and fiscally responsible manner.

(2) The Treasury Board is composed of the Chair of the Treasury Board and not fewer than four other members of the Executive Council as are designated from time to time by the Governor in Council.

(3) The Governor in Council may designate other members of the Executive Council to serve as substitutes in the absence of members of the Treasury Board.

(4) The Governor in Council may, from time to time, designate persons in the public service of the Province to be officers of the Treasury Board.

(5) The Treasury Board may determine its own rules and procedures.

10 (1) In this Section and Sections 12, 14, 14H and 15, “government agency” means

(a) a government business enterprise or governmental unit, other than the Consolidated Fund of the Province, designated pursuant to the *Provincial Finance Act*; and

(b) any body or class of bodies designated as a government agency or government agencies by a regulation made pursuant to subsection 80(1) of the *Provincial Finance Act*.

(2) The Treasury Board shall act as a committee of the Executive Council on all matters relating to

(a) the review and analysis of business plans of departments, offices and government agencies and recommendations of the Executive Council on the allocation of financial and other resources to those departments, offices and agencies;

(b) the establishment of values, standards, publicly-published policies, results and targets for the administration, operation, management and accountability of government, including areas related to human resources and information technology;

(c) making recommendations to the Executive Council on the broad structure and allocation of responsibilities to individual government departments, offices and government agencies, and approval of structures and functions within those departments and agencies;

(d) the examination and reporting to the Executive Council on all matters related to the financial management, commitment of funds, and expenditure of funds provided by the Province to departments, offices and government agencies;

(e) the examination, reporting and direction on matters relating to the development, recommendation and execution of policies, programs and plans respecting the management of the internal operations of the Government of the Province, including administrative, expenditure, human resource and information technology policies;

(f) the establishment of policies, procedures and processes related to the commitment and expenditure of all monies provided by the Province, whether provided to departments or offices, as a public service vote, or to government agencies;

(g) the establishment of reporting requirements to ensure the full reporting and accountability of departments, offices and government agencies for the allocation of and results obtained by the use of, financial, human, information technology and capital resources;

(h) taking any action deemed appropriate to ensure the ongoing governance and operation of departments, offices or government agencies is in compliance with this Act.

11 (1) There shall be a committee of the Executive Council called the Policy and Priorities Committee, charged with establishing plans and policies for the operation of the Government of the Province and ensuring that they are developed in a co-ordinated manner.

(2) The Policy and Priorities Committee is composed of the Minister of Policy and Priorities and not fewer than four other members of the Executive Council as are designated from time to time by the Governor in Council.

(3) The Governor in Council may designate other members of the Executive Council to serve as substitutes in the absence of members of the Policy and Priorities Committee.

(4) The Governor in Council may, from time to time, designate persons in the public service of the Province to be officers of the Policy and Priorities Committee.

12 The Policy and Priorities Committee shall act a committee of the Executive Council on all matters relating to

(a) providing leadership in the development and implementation of the core program of the government;

(b) the communication of the Government's priorities to deputy ministers and departments;

(c) ensuring the co-ordination of policy agendas across government departments and facilitation of horizontal linkages and corporate initiatives;

(d) the facilitation of two-way communications on corporate policy matters between deputy ministers and their departments and the Executive Council;

(e) the identification and assessment of emerging policy issues and provision of directions for the management of these issues;

(f) ensuring effective accountability in the formation and implementation of public policy;

(g) the identification and prioritization of policy issues, selection of policy initiatives and direction of action on policy issues and initiatives;

(h) making recommendations to the Executive Council on the broad structure and allocation of responsibilities to individual government departments, offices and government agencies and approval of structures and functions within the departments and agencies.

13 Subject to the approval of the Governor in Council, the Treasury Board and the Policy and Priorities Committee may make such rules and regulations as are deemed necessary to enable them to discharge their responsibilities under this Act.

14 The Treasury Board and the Policy and Priorities Committee may require from a public servant, an employee of a government agency or an agent of Her Majesty in right of the Province any account, return, statement, document, report or information that is directly related to the operations, undertakings and plans of the agency or agent and that the Treasury Board or Policy and Priorities Committee consider necessary for the performance of their duties.

14A The Treasury Board and the Policy and Priorities Committee may issue such administrative directives as they consider necessary for the performance of their duties.

14B Subject to the approval of the Governor in Council, the Treasury Board and the Policy and Priorities Committee may make such rules and regulations as are deemed necessary for the more efficient administration of the public service.

14C (1) There shall be a Treasury Board Office.

(2) The Treasury Board Office shall be presided over by the Chair of the Treasury Board who has the supervision, direction and control of all affairs and

matters relating to the Office and who shall supervise the performance of the functions of the Office.

(3) The Governor in Council may appoint a person to be Deputy Minister of the Treasury Board Office who shall be paid such salary as the Governor in Council determines and who shall perform such duties as are from time to time prescribed by the Governor in Council.

(4) Such officers and employees as are required for the purposes of the Treasury Board Office may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees.

14D The objects and purposes of the Treasury Board Office are to assist the Treasury Board in carrying out its duties under the Act.

14E (1) There shall be an Office of Policy and Priorities.

(2) The Office of Policy and Priorities shall be presided over by the Minister of Policy and Priorities who has the supervision, direction and control of all affairs and matters relating to the Office and who shall supervise the performance of the functions of the Office.

(3) The Governor in Council may appoint a person to be the Deputy Minister of the Office of Policy and Priorities who shall be paid such salary as the Governor in Council determines and who shall perform such duties as are from time to time prescribed by the Governor in Council.

(4) Such other officers and employees as are required for the purposes of the Office of Policy and Priorities may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees.

14F The objects and purposes of the Office of Policy and Priorities are to assist Policy and Priorities Committee in carrying out its powers under the Act.

14G (1) There shall be a Chief Information Office.

(2) The Governor in Council may assign a member of the Executive Council responsibility for the Chief Information Office.

(3) The Chief Information Office shall be presided over by the Minister of Information Management who has the supervision, direction and control of all affairs and matter relating to the Office and who shall supervise the performance of the functions of the Office.

(4) The Governor in Council may appoint a person to be the Chief Executive Officer of the Chief Information Office who shall be paid such salary as the Governor in Council determines and who shall perform such duties as are from time to time prescribed by the Governor in Council.

(5) Such other officers and employees as are required for the purposes of the Chief Information Office may be appointed pursuant to the *Civil Service Act* and that the Act applies to those officers and employees.

14H The objects and purposes of the Chief Information Office are to

(a) develop the vision for information and communication technology and information management in government;

(b) co-ordinate the use of information and communication technology and information management in government, ensuring alignment with the plans and strategies of government;

(c) develop information and communication technology and information management policies and practices in government;

(d) manage and operate the core government-wide infrastructure including all matters and affairs pertaining to network and infrastructure support, servers, desktop support, the help desk, corporate solutions and communications;

(e) develop and maintain systems which provide services across all government departments;

(f) determine the management information systems to be used in the ongoing management and operation of departments, offices or government agencies; and

(g) supervise, direct and control of all affairs and matters pertaining to records management.

**9 (1) Clause 15(1)(a) of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “and Policy” in the last line.**

**(2) Subsection 15(2) of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “and Policy” in the last line.**

**10 (1) Subsection 16(1) of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “Treasury and Policy Board, with the approval of the Governor in Council,” in the first and second lines and substituting “The Governor in Council”.**

**(2) Subsection 16(3) of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “Treasury and Policy Board with the approval of” in the third and fourth lines.**

**11 The heading immediately before Section 33 of Chapter 376 is amended by adding “AND RURAL” immediately after “ECONOMIC”.**

**12 (1) Subsection 33(1) of Chapter 376, as enacted by Chapter 30 of the Acts of 2000, is amended by**

**(a) adding “and Rural” immediately after “Economic” in the first and in the third lines; and**

**(b) adding “and rural” immediately after “economic” in the fifth line.**

**(2) Subsection 33(2) of Chapter 376, as enacted by Chapter 30 of the Acts of 2000, is amended by**

**(a) adding “and Rural” immediately after “Economic” in the second and in the fifth lines; and**



**(b) adding “and rural” immediately after “economic” in the third line of clause (a), the second line of clause (e), the fourth and fifth lines of clause (f) and the third line of clause (h).**

**13 Section 34 of Chapter 376, as enacted by Chapter 30 of the Acts of 2000, is amended by adding “and Rural” immediately after “Economic” in the second line.**

**14 Subsection 77(1) of Chapter 376, as amended by Chapter 8 of the Acts of 1996 and Chapter 4 of the Acts of 2001, is further amended by striking out “and Policy” in the third line.**

**15 Section 84 of Chapter 376 is repealed and the following Sections substituted:**

84 The Governor in Council may appoint a person to be an associate deputy minister who shall be paid such salary as the Governor in Council determines and shall perform such duties as are, from time to time, prescribed by the Governor in Council.

84A The Governor in Council may appoint a person to be an assistant deputy minister who shall be paid such salary as the Governor in Council determines and shall perform such duties as are, from time to time, prescribed by the Governor in Council.

**16 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**

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