

# Executive Council Act

CHAPTER 155 OF THE REVISED STATUTES, 1989

*as amended by*

1992, c. 14, s. 30; 1993, c. 21; 1994, c. 19; 1995-96, c. 1, s. 147;  
1996, c. 8; 1996, c. 25, s. 126; 2001, c. 4, s. 8; O.I.C. 2003-516;  
2007, c. 16; 2008, c. 4, s. 6; 2009, c. 14, ss. 1-3; 2011, c. 9, s. 16;  
2013, c. 37, ss. 1, 2; 2014, c. 34, s. 7



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## An Act Respecting the Executive Council

### Table of Contents

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	1A
Executive Council.....	2
Ministers.....	3
Acting Minister.....	4
Mayor or councillor ineligible.....	5
Honorary members of Executive Council.....	5A
Honoric and initials.....	5B
Salary of Premier and minister with portfolio.....	6
Salary and expenses of minister without portfolio.....	7
Expenses of outside member.....	8
Other expenses of member.....	9
Ministerial assistants.....	9A
Regulations respecting expenses.....	10
Clerk.....	11

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### Short title

**1** This Act may be cited as the *Executive Council Act*. R.S., c. 155, s. 1.

### Interpretation

**1A** In this Act and in any other enactment, “member of the Executive Council” does not include an honorary member of the Executive Council except where expressly provided. 2007, c. 16, s. 1.

### Executive Council

**2** The Executive Council shall be composed of such persons as the Lieutenant Governor from time to time thinks fit. R.S., c. 155, s. 2.

### Ministers

**3** The Lieutenant Governor may appoint under the Great Seal of the Province from among such persons as are appointed members of the Executive Council persons to hold the following offices during pleasure:

- (a) President of the Executive Council;

- (b) Deputy President of the Executive Council;
- (ba) the Minister of Acadian Affairs;
- (bb) the Minister of African Nova Scotian Affairs;
- (c) the Minister of Agriculture;
- (d) Attorney General and Minister of Justice[;]
- (da) the Minister of Communities, Culture and Heritage;
- (e) the Minister of Community Services;
- (f) the Minister of Economic and Rural Development and Tourism;
- (g) the Minister of Education and Early Childhood Development;
- (h) the Minister of Energy;
- (ha) the Minister of Environment;
- (i) the Minister of Finance and Treasury Board;
- (ia) the Minister of Fisheries and Aquaculture;
- (ib) the Minister of Gaelic Affairs;
- (j) the Minister of Health and Wellness;
- (ja) *repealed 2011, c. 9, s. 16.*
- (k) the Minister of Intergovernmental Affairs;
- (ka) the Minister of Internal Services;
- (kb) the Minister of Labour and Advanced Education;
- (kc) the Minister of Municipal Affairs;
- (l) the Minister of Natural Resources;
- (la) the Minister of Planning and Priorities;
- (m) the Provincial Secretary;
- (n) the Minister of the Public Service Commission;
- (na) the Minister of Seniors;
- (o) the Minister of Service Nova Scotia;
- (p) *repealed 2011, c. 9, s. 16.*
- (q) the Minister of Transportation and Infrastructure Renewal[;]
- (r) *repealed 2013, c. 37, s. 1.*
- (s) *repealed 1992, c. 14, s. 30.*
- (t) *repealed 1996, c. 8, s. 1.*
- (ta) to (w) *repealed 2001, c. 4, s. 8.*

- (x) *repealed 1993, c. 21, s. 1.*
- (xa) *repealed 1996, c. 8, s. 1.*
- (y) *repealed 1994, c. 19, s. 1.*
- (z) *repealed 1996, c. 8, s. 1.*

and may by order in council from time to time prescribe their duties and the duties of the several departments over which they preside and of the officers and clerks thereof. R.S., c. 155, s. 3; 1992, c. 14, s. 30; 1993, c. 21, s. 1; 1995-96, c. 1, s. 147; 1996, c. 8, s. 1; 1996, c. 25, s. 126; 2001, c. 4, s. 8; O.I.C. 2003-516; 2008, c. 4, s. 6; 2009, c. 14, s. 1; 2011, c. 9, s. 16; 2013, c. 37, s. 1; 2014, c. 34, s. 7.

#### **Acting Minister**

**4 (1)** The Governor in Council may appoint any member of the Executive Council as Acting Minister in the place of any other member while the other member is absent from the Province or is unable for any reason to perform the duties of his office and any act done by an acting minister shall have the same force, validity and effect as if done by the incumbent of the office.

**(2)** An appointment made pursuant to subsection (1) may be made retroactive to the time when the Acting Minister began to act in the place of the incumbent of the office. R.S., c. 155, s. 4; 2013, c. 37, s. 2.

#### **Mayor or councillor ineligible**

**5 (1)** Notwithstanding anything contained in this or any other enactment, no person who is a mayor, warden, alderman or councillor of a municipality may be appointed to the Executive Council while serving as such mayor, warden, alderman or councillor.

**(2)** In this Section, “municipality” means municipality as defined by the *Municipal Affairs Act*. R.S., c. 155, s. 5.

#### **Honorary members of Executive Council**

**5A (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. 2009, c. 14, s. 2.

#### **Honorific and initials**

**5B** A member of the Executive Council, including an honorary member, may use

- (a) the honorific “The Honourable” before the member’s name; and
- (b) the initials “E.C.N.S.” after the member’s name to indicate membership in the Executive Council. 2007, c. 16, s. 2.

#### **Salary of Premier and minister with portfolio**

**6 (1)** There shall be paid to the member of the Executive Council holding the recognized position of Premier in addition to the amounts to which he is entitled under the *House of Assembly Act* an annual salary in the amount determined pursuant to Section 55 of that Act.

**(2)** There shall be paid to every other member of the Executive Council having charge of a department or departments in addition to the amounts to which he is entitled under the *House of Assembly Act* an annual salary in the amount determined pursuant to Section 55 of that Act.

**(3)** The salaries under subsections (1) and (2) shall be payable out of the Consolidated Fund of the Province in monthly instalments provided that a salary shall commence as of the first day of the month in which the member takes the office and shall be discontinued as of the last day of the month in which the member ceases to hold the office in respect of which the salary is paid.

**(4)** All fees attached to the office of a member of the Executive Council shall be paid into the Consolidated Fund of the Province. R.S., c. 155, s. 6.

#### **Salary and expenses of minister without portfolio**

**7 (1)** There shall be paid to every member of the Executive Council not having charge of a department in addition to the amounts which he is paid under the *House of Assembly Act* such annual salary as is determined by the Governor in Council payable out of the Consolidated Fund of the Province in monthly instalments, provided that such annual salary determined by the Governor in Council shall not be less than seven thousand five hundred dollars nor more than the amount determined pursuant to Section 55 of that Act and provided that the salary shall commence as of the first day of the month in which the member takes office and shall be discontinued as of the last day of the month in which the member ceases to hold the office in respect of which the salary is paid and shall be discontinued as of the first day of the month in which the said member is appointed the head of a department.

(2) There shall be paid to every member of the Executive Council not in charge of a department a sum sufficient to indemnify him for his expenses incurred by reason of his duties as a member of the Council.

(3) Where a member of the Executive Council not having charge of a department attends at meetings of the Council on fewer than thirty-six days on which such meetings are held, there shall be deducted from the salary mentioned in subsection (1) the sum of seventy-five dollars in respect of each day short of thirty-six on which he failed to attend.

(4) Where pursuant to Section 4 of the *Public Service Act* an affair or matter is assigned to a member of the Executive Council not in charge of a department, there shall be paid to the said member a supplementary allowance of an amount or at a rate determined by the Governor in Council. R.S., c. 155, s. 7.

#### **Expenses of outside member**

8 Every member of the Executive Council who is an outside member as defined by the *House of Assembly Act* shall be paid out of the Consolidated Fund of the Province in addition to the amounts to which he is entitled under the *House of Assembly Act* an amount to reimburse him for travelling expenses between the City of Halifax and his constituency and for actual expenses for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax while a member of the Executive Council. R.S., c. 155, s. 8.

#### **Other expenses of member**

9 Every member of the Executive Council shall be paid from the Consolidated Fund of the Province a sum sufficient to indemnify him for reasonable expenses incurred for travelling or otherwise in the discharge of his official duties. R.S., c. 155, s. 9.

#### **Ministerial assistants**

9A The Governor in Council may appoint members of the House of Assembly to be ministerial assistants. 2009, c. 14, s. 3.

#### **Regulations respecting expenses**

10 The Governor in Council may make regulations in respect of expenses, including the basis of reimbursement, any representation or incidental expense allowance for the Premier, the form of reimbursement account and the manner of certification and approval for payment. R.S., c. 155, s. 10.

#### **Clerk**

11 (1) The Governor in Council may appoint a Clerk of the Executive Council who shall be paid such salary as the Governor in Council deems.

(2) The duties and functions of the Clerk of the Executive Council shall be to

- (a) examine submissions to the Executive Council to ensure conformity with policy and legal requirements;
- (b) prepare draft orders in council;
- (c) register, certify, distribute, index and file orders in council;
- (d) maintain liaison with departments and agencies of the Province in relation to matters of concern to the Executive Council; and
- (e) perform such other duties as may be from time to time prescribed by the Governor in Council.

**(3)** The Clerk of the Executive Council shall have the status of a deputy head and the provisions of the *Civil Service Act* relating to a deputy or to a deputy head shall apply to him. R.S., c. 155, s. 11.

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