

Public Service Act

CHAPTER 376 OF THE REVISED STATUTES, 1989

as amended by

1992, c. 14, ss. 39-63; 1993, c. 38; 1994, c. 29, s. 24; 1994, c. 31;
1995-96, c. 1, s. 151; 1996, c. 8; 1996, c. 25, s. 127; 1998, c. 13, s. 13;
2000, c. 30, s. 38; 2001, c. 4, ss. 38-42, 44-50; O.I.C. 2002-102;
2003, c. 4, ss. 25-27; O.I.C. 2003-516; 2003, c. 7, s. 5; 2004, c. 3, ss. 39, 42;
2004, c. 6, s. 30; 2004, c. 16; 2004, c. 26, s. 12; 2004, c. 45; 2005, c. 24;
2005, c. 48, s. 7; O.I.C. 2006-121; 2006, c. 2, ss. 42, 43; 2006, c. 44;
2008, c. 4, ss. 7-19; 2008, c. 28; 2008, c. 29; 2008, c. 30;
2009, c. 14, ss. 4-15; 2010, c. 2, ss. 141-145; 2010, c. 3, s. 12;
2010, c. 5, ss. 35-38; 2011, c. 9, ss. 24-39; 2011, c. 40, ss. 9-12;
2013, c. 37, ss. 3-25; 2013, c. 42; 2014, c. 34, ss. 39-53



© 2016 Her Majesty the Queen in right of the Province of Nova Scotia
Published by Authority of the Speaker of the House of Assembly
Halifax

This page is intentionally blank.

CHAPTER 376 OF THE REVISED STATUTES, 1989
amended 1992, c. 14, ss. 39-63; 1993, c. 38; 1994, c. 29, s. 24; 1994, c. 31;
1995-96, c. 1, s. 151; 1996, c. 8; 1996, c. 25, s. 127; 1998, c. 13, s. 13;
2000, c. 30, s. 38; 2001, c. 4, ss. 38-42, 44-50; O.I.C. 2002-102;
2003, c. 4, ss. 25-27; O.I.C. 2003-516; 2003, c. 7, s. 5; 2004, c. 3, ss. 39, 42;
2004, c. 6, s. 30; 2004, c. 16; 2004, c. 26, s. 12; 2004, c. 45; 2005, c. 24;
2005, c. 48, s. 7; O.I.C. 2006-121; 2006, c. 2, ss. 42, 43; 2006, c. 44;
2008, c. 4, ss. 7-19; 2008, c. 28; 2008, c. 29; 2008, c. 30;
2009, c. 14, ss. 4-15; 2010, c. 2, ss. 141-145; 2010, c. 3, s. 12;
2010, c. 5, ss. 35-38; 2011, c. 9, ss. 24-39; 2011, c. 40, ss. 9-12;
2013, c. 37, ss. 3-25; 2013, c. 42; 2014, c. 34, ss. 39-53

An Act Respecting the Public Service

Table of Contents

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

| | Section |
|---|---------|
| Short title..... | 1 |
| Departments | 2 |
| Department name change..... | 2A |
| Creation of other department | 3 |
| Assignment to minister or department..... | 4 |
| Abolition of department..... | 4A |
| Offices of public service | 4B |
| Assignment to office | 4C |
| Abolition of office..... | 4D |
| Acting minister..... | 5 |
| Agreements | 6 |
| Appointment of deputy minister | 7 |
| Restriction on pay for performance | 7A |
| Head of Public Service..... | 8 |
| Treasury and Policy Board..... | 9 |
| Powers of Treasury and Policy Board..... | 10 |
| Regulations..... | 13 |
| Board may demand information | 14 |
| Board may issue directives | 14A |
| Regulations..... | 14B |
| Office of Planning and Priorities | 14E |
| Objects of Office..... | 14F |
| Contracts | 15 |
| Designation of special operating agency | 16 |
| Interpretation of Sections 17A to 17I..... | 17 |
| Public Service Commission | 17A |
| Duties of Commissioner..... | 17B |
| Powers of Commissioner | 17C |
| Delegation of duties and powers..... | 17D |
| Information to be provided | 17E |
| Human-resource management policies | 17F |
| Notice to Commission..... | 17G |
| Audit of Commission | 17H |
| Regulations..... | 17I |
| Conflict..... | 17J |
| Office of Aboriginal Affairs..... | 24 |
| Objects of Office..... | 25 |
| Office of Communications Nova Scotia..... | 25IA |
| Objects and purposes of Office..... | 25IB |
| Annual report | 25IC |

| | |
|---|-----|
| Office of Immigration..... | 25J |
| Functions..... | 25K |
| Annual report..... | 25L |
| Office of Service Nova Scotia | |
| Administration of Office..... | 25M |
| Powers of Minister..... | 25N |
| Provincial Tax Commissioner..... | 25O |
| Department of Agriculture | |
| Administration of Department..... | 26 |
| Powers of Minister..... | 27 |
| The Attorney General and the Department of Justice | |
| Functions, powers and duties..... | 29 |
| Deputy Minister..... | 30 |
| Department of Communities, Culture and Heritage | |
| Minister presides..... | 30A |
| Powers of Minister..... | 30B |
| Annual report..... | 30C |
| Department of Community Services | |
| Administration of Department..... | 31 |
| Powers of Minister..... | 32 |
| Department of Economic and Rural Development | |
| Administration of Department..... | 33 |
| Deputy Minister..... | 34 |
| Department of Education and Early Childhood Development | |
| Administration of Department..... | 35 |
| Powers of Minister..... | 36 |
| Department of Energy | |
| Administration of Department..... | 36A |
| Powers of Minister..... | 36B |
| Department of Environment | |
| Administration of Department..... | 37 |
| Powers of Minister..... | 38 |
| Lead minister..... | 39 |
| Executive Council Office | |
| Duties and functions of Executive Council Office..... | 41A |
| Department of Finance and Treasury Board | |
| Powers and duties of Minister..... | 42 |
| Deputy Minister..... | 43 |
| Controller..... | 43A |
| Duties of Minister of Finance and Treasury Board..... | 44A |
| Department of Fisheries and Aquaculture | |
| Administration of Department..... | 44B |
| Powers of Minister..... | 44C |

| | |
|--|------|
| Department of Health and Wellness | |
| Administration of Department..... | 45 |
| Powers of Minister | 46 |
| Co-operation and collaboration..... | 46C |
| Department of Intergovernmental Affairs | |
| Administration of Department..... | 46D |
| Powers of Minister | 46E |
| Department of Internal Services | |
| Administration of Department..... | 46EA |
| Powers of Minister | 46EB |
| Chief Information Officer..... | 46EC |
| Department of Labour and Advanced Education | |
| Administration of Department..... | 46F |
| Powers of Minister | 46G |
| Department of Municipal Affairs | |
| Administration of Department..... | 46H |
| Powers of Minister | 46I |
| Department of Natural Resources | |
| Administration of Department..... | 47 |
| Powers of Minister | 48 |
| The Provincial Secretary | |
| Powers, duties and functions of Provincial Secretary | 65 |
| Deputy Provincial Secretary..... | 66 |
| Department of Seniors | |
| Administration of Department..... | 66A |
| Powers of Minister | 66B |
| Department of Transportation and Infrastructure Renewal | |
| Administration of Department..... | 72 |
| Powers of Minister | 73 |
| Employees of the Legislature | |
| Employees of House of Assembly subject to Commission..... | 76 |
| Powers and duties of Commission | 80 |
| Complaint respecting employee of House..... | 81 |
| Suspension of employee of House | 82 |
| General Provisions | |
| Powers and duties of official appointed under statute..... | 83 |
| Associate deputy minister | 84 |
| Assistant deputy minister | 84A |
| Regulations on letting of contracts..... | 85 |
| Administrative Assistant to Premier..... | 86 |
| Early retirement | 88 |
| Regulations..... | 89 |

Short title

1 This Act may be cited as the *Public Service Act*. R.S., c. 376, s. 1.

Departments

2 For the administration of the public affairs of the Province, there are the following departments:

- (a) the Department of Agriculture;
- (b) the Department of Communities, Culture and Heritage;
- (c) the Department of Community Services;
- (d) the Department of Economic and Rural Development and Tourism;
- (e) the Department of Education and Early Childhood Development;
- (f) the Department of Energy;
- (g) the Department of Environment;
- (h) the Department of Finance and Treasury Board;
- (i) the Department of Fisheries and Aquaculture;
- (j) the Department of Health and Wellness;
- (k) the Department of Intergovernmental Affairs;
- (l) the Department of Internal Services;
- (m) the Department of Justice;
- (n) the Department of Labour and Advanced Education;
- (o) the Department of Municipal Affairs;
- (p) the Department of Natural Resources;
- (q) the Department of Seniors;
- (r) the Department of Transportation and Infrastructure Renewal.

2014, c. 34, s. 39.

Department name change

2A The Governor in Council may change the name of any department, office or committee established under this Act. 1996, c. 8, s. 3; 2009, c. 14, s. 5.

Creation of other department

3 (1) The Governor in Council may create other departments, not exceeding two in number, and may prescribe the name by which each of such departments is to be designated.

(2) Each of such departments shall be presided over by a member of the Executive Council, who shall be appointed for the purpose, under the Great Seal, by the Lieutenant Governor.

(3) The Governor in Council may, from time to time, prescribe the functions, powers and duties of each of the members of the Executive Council appointed under this Section and the duties of the department over which the member presides.

(4) *repealed 2001, c. 4, s. 39.*

R.S., c. 376, s. 3; 2001, c. 4, s. 39; 2013, c. 37, s. 4.

Assignment to minister or department

4 (1) The Governor in Council may, from time to time, assign to any department or a member of the Executive Council such affairs and matters as the Governor in Council deems expedient, whether the same have or have not been theretofore assigned or whether such affairs and matters have or have not theretofore belonged by or under this Act or any other Act of the Legislature or otherwise to some other department or office or to some other member of the Executive Council, and, if an affair or matter is assigned to a member of the Executive Council, the Governor in Council may direct that the affair or matter for administrative purposes be attached to such department of the public service as the Governor in Council may designate.

(2) Whenever any affairs or matters are assigned as aforesaid to any department, or to a member of the Executive Council, and such affairs or matters have theretofore been assigned or have theretofore belonged to some other department or office or to some other member of the Executive Council, then any reference in any Act of the Legislature or in any rule, order, regulation, by-law or ordinance or in any document whatsoever to such other department or office, or to the head of such other department or office, or such other member of the Executive Council, whether such reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing relating to the affairs or matters or any of them assigned as aforesaid to such first-mentioned department or office, or to such first-mentioned member of the Executive Council, be held and construed to be a reference to such first-mentioned department or office and to the head thereof or to such first-mentioned member of the Executive Council.

(3) Notwithstanding any enactment, where an affair or matter is assigned pursuant to subsection (1) or an affair or matter is assigned to a department or office or a member of the Executive Council pursuant to this Act or any other enactment, any amount appropriated by the Legislature with respect to that affair or matter may be assigned to the appropriate department or office or member of the Executive Council. R.S., c. 376, s. 4; 1998, c. 13, s. 13; 2001, c. 4, s. 40.

Abolition of department

4A Where the Governor in Council assigns all affairs and matters theretofore assigned or belonging to a department to another department or to a member of the Executive Council, other than the member of the Executive Council theretofore presiding over the department, and no new affairs or matters are thereupon assigned to the department, the Governor in Council may abolish the department. 1996, c. 8, s. 4.

Offices of public service

4B (1) The Governor in Council may create offices of the public service and may, from time to time, prescribe the name by which each of such offices is to be designated.

(2) Each of such offices shall be presided over by a member of the Executive Council who shall be appointed for the purpose, under the Great Seal, by the Governor in Council.

(3) The Governor in Council may, from time to time, prescribe the functions, powers and duties of each of the members of the Executive Council appointed under this Section and the duties of the office over which the member presides.

(4) The Governor in Council may, from time to time, appoint a person to be the chief executive officer of any such office, 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. 2001, c. 4, s. 41.

Assignment to office

4C (1) The Governor in Council may, from time to time, assign to any office or a member of the Executive Council such affairs and matters as the Governor in Council deems expedient, whether the same have or have not been theretofore assigned or whether such affairs and matters have or have not theretofore belonged by or under this Act or any other Act of the Legislature or otherwise to some other office, some department or to some other member of the Executive Council and, where an affair or matter is assigned to a member of the Executive Council, the Governor in Council may direct that the affair or matter for administrative purposes be attached to such office or department of the public service as the Governor in Council may designate.

(2) Whenever any affairs or matters are assigned as aforesaid to any office or to a member of the Executive Council, and such affairs or matters have theretofore been assigned or have theretofore belonged to some other office, to some department or to some other member of the Executive Council, then any reference in any Act of the Legislature or in any rule, order, regulation, by-law or ordinance or in any document whatsoever to such other office or department, or to the head of such other office or department, or such other member of the Executive Council, whether such reference is by official name or otherwise shall, as regards any subsequent transaction, matter or thing relating to the affairs or matters or any

of them assigned as aforesaid to such first-mentioned office or department, or to such first-mentioned member of the Executive Council, be held and construed to be a reference to such first-mentioned office or department and to the head thereof or to such first-mentioned member of the Executive Council.

(3) Notwithstanding any enactment, where an affair or matter is assigned pursuant to subsection (1) or an affair or matter is assigned to an office or a member of the Executive Council pursuant to this Act or any other enactment, any amount appropriated by the Legislature with respect to that affair or matter may be assigned to the appropriate office or member of the Executive Council. 2001, c. 4, s. 41.

Abolition of office

4D Where the Governor in Council assigned all affairs and matters theretofore assigned or belonging to an office to another office or department, or to a member of the Executive Council, other than the member of the Executive Council theretofore presiding over the office, and no new affairs or matters are thereupon assigned to the office, the Governor in Council may abolish the office. 2001, c. 4, s. 41.

Acting minister

5 (1) The Governor in Council may designate any member of the Executive Council as an acting minister and any act done by an acting minister has the same force, validity and effect as if done by the member of the Executive Council in whose stead the member is acting.

(2) A designation made pursuant to subsection (1) may be made retroactive to the time when the acting minister began to act in the stead of the member of the Executive Council. 2001, c. 4, s. 42; 2004, c. 6, s. 30.

Agreements

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. 2001, c. 4, s. 42; 2003, c. 7, s. 5.

Appointment of deputy minister

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. 2009, c. 14, s. 6.

Restriction on pay for performance

7A Notwithstanding Section 7, where, in any fiscal year, the Public Accounts laid before the House of Assembly or filed with the Clerk of the House pursuant to Section 59 of the *Finance Act* disclose a deficit, no deputy minister or senior official eligible for pay for performance pursuant to any pay for performance for senior officials policy established by Treasury and Policy Board shall receive such pay for performance in that fiscal year. 2004, c. 3, s. 39; 2009, c. 14, s. 7; 2010, c. 2, s. 141; 2013, c. 37, s. 5.

Head of Public Service

8 The Governor in Council may designate a deputy minister to be the head of the Public Service. 2001, c. 4, s. 42.

Treasury and Policy Board

9 (1) There shall be a committee of the Executive Council called the Treasury and Policy Board.

(2) The Treasury and Policy Board is composed of a chair 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 and Policy 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 and Policy Board.

(5) The Treasury and Policy Board may determine its own rules and procedures. 2009, c. 14, s. 8; 2013, c. 37, s. 6.

Powers of Treasury and Policy Board

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 General Revenue Fund of the Province, categorized pursuant to the *Finance Act* ~~*Finance Act*~~; and

(b) *repealed 2010, c. 2, s. 142.*

(2) The Treasury and Policy Board is charged to establish plans and policies for the operation of the Government of the Province, ensuring that the plans and policies are developed and implemented in a co-ordinated and fiscally responsible manner, and, without limiting the generality of the foregoing, is charged with all matters relating to

(a) the development and implementation of policies, plans and strategies for the effective administration and operation of government;

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

(ab) the establishment of labour negotiation mandates;

(ac) the establishment of reporting requirements to ensure the full accountability of departments, offices and government agencies;

(ad) ensuring that decisions respecting any Provincial investment align with the economic development strategies and priorities of the Government of the Province;

(ae) ensuring alignment between the fiscal and policy agendas of the Government of the Province;

(af) the review and analysis of business plans of departments, offices and government agencies and approval of the allocation of financial and other resources to those departments, offices and government 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. 2009, c. 14, s. 8; 2010, c. 2, s. 142; 2013, c. 37, s. 7.

11, 12 and 12A *repealed 2013, c. 37, s. 8.*

Regulations

13 Subject to the approval of the Governor in Council, the Treasury and Policy Board may make such rules and regulations as are deemed necessary to enable it to discharge its responsibilities under this Act. 2009, c. 14, s. 8; 2011, c. 40, s. 10; 2013, c. 37, s. 9.

Board may demand information

14 The Treasury and Policy Board 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 and Policy Board considers necessary for the performance of its duties. 2009, c. 14, s. 8; 2011, c. 40, s. 11; 2013, c. 37, s. 10.

Board may issue directives

14A The Treasury and Policy Board may issue such administrative directives as it considers necessary for the performance of its duties. 2009, c. 14, s. 8; 2011, c. 40, s. 12; 2013, c. 37, s. 11.

Regulations

14B Subject to the approval of the Governor in Council, the Treasury and Policy Board may make such rules and regulations as are deemed necessary for the more efficient administration of the public service. 2009, c. 14, s. 8; 2013, c. 37, s. 12.

14C and 14D *repealed 2013, c. 37, s. 13.*

Office of Planning and Priorities

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

(2) The Office of Planning and Priorities shall be presided over by the Minister of Planning 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 Planning 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 Planning and Priorities may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees. 2009, c. 14, s. 8; 2013, c. 37, s. 14.

Objects of Office

14F The objects and purposes of the Office of Planning and Priorities are to support the Executive Council and its committees in advancing the policy agenda of the Government of the Province. 2013, c. 37, s. 15.

14G and 14H *repealed 2014, c. 34, s. 40.*

Contracts

15 (1) The Governor in Council may make regulations respecting the conditions under which contracts may be entered into by a department, office or government agency and, notwithstanding any other enactment, may

(a) direct that no contract, by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe, be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury and Policy Board;

(b) make regulations respecting the security to be given to and in the name of Her Majesty in right of the Province to secure the due performance of contracts.

(2) Notwithstanding any other enactment, where a department, office or government agency, to or for the benefit of which the Legislature or the Governor in Council has appropriated money, wishes to engage the services of a person by contract, such contracts have no legal force or effect unless the terms and conditions thereof are in accordance with the regulations made by the Governor in Council or are approved either by the Governor in Council or the Treasury and Policy Board. 2001, c. 4, s. 42; 2009, c. 14, s. 9; 2013, c. 37, s. 16.

Designation of special operating agency

16 (1) The Governor in Council may

(a) designate by regulation a department, office, division, branch or program as a special operating agency; and

(b) establish an operating charter for a special operating agency designated under clause (a), containing the objects of the spe-

cial operating agency, and terms, conditions and other provisions governing its operations.

(2) The *Regulations Act* does not apply to the establishment of an operating charter for a special operating agency under clause 1(b).

(3) The operating charter of a special operating agency may be amended from time to time by the Governor in Council. 2001, c. 4, s. 42; 2009, c. 14, s. 10.

Interpretation of Sections 17A to 17I

17 In Sections 17A to 17I, and for the purpose of those Sections only,

(a) “Minister” means the Minister of the Public Service Commission;

(b) “public service” includes

(i) the Civil Service,

(ii) employees employed pursuant to the *Corrections Act*,

(iii) employees employed pursuant to the *Highway Workers Collective Bargaining Act*,

(iv) *repealed 2003, c. 4, s. 26.*

and

(v) members, officers and employees of any government business enterprise or governmental unit designated pursuant to the *Finance Act* that the Governor in Council, by order, determines to be part of the public service. 2001, c. 4, s. 42; 2003, c. 4, s. 26; 2006, c. 2, s. 43; 2010, c. 2, s. 143.

Public Service Commission

17A (1) There shall be a Public Service Commission consisting of the Public Service Commissioner.

(2) The Public Service Commission shall be presided over by the Minister of the Public Service Commission.

(3) The Governor in Council may appoint a person to be the Public Service Commissioner who shall have the status of a deputy head under the *Civil Service Act*, be paid such salary as the Governor in Council determines and perform such duties as are from time to time prescribed by the Governor in Council.

(4) The Public Service Commissioner is an employee within the meaning of the *Public Service Superannuation Act*.

(5) The Public Service Commissioner has, under the general direction of the Minister, supervision, direction and control of the Public Service

Commission and shall supervise the performance of the functions of the Commission. 2001, c. 4, s. 42.

Duties of Commissioner

17B The Public Service Commission shall

(a) determine the human-resource management policies, programs, standards and procedures necessary for the public service and may require any part of the public service to develop those policies, programs, standards and procedures under a framework established by the Commission;

(b) provide the public service direction, advice and assistance regarding the implementation and application of human-resource management policies, programs, standards and procedures;

(c) having regard to legal and fiscal consequences, take such measures as the Commission considers necessary to ensure the public service implements the human-resource management policies, programs, standards and procedures that are developed;

(d) assess or audit the implementation of human-resource management policies, programs, standards and procedures by the public service and the carrying out by the public service of any other responsibilities arising pursuant to this Act;

(e) at the request of the Minister, provide advice to the Minister regarding human-resource management and collective bargaining in the public service;

(f) provide such direction as it considers appropriate to the public service or any part of the public service in relation to collective bargaining;

(g) maintain such records as the Commission considers necessary for the proper administration of this Act; and

(h) perform such other duties and functions as are assigned to it by the Governor in Council. 2001, c. 4, s. 42.

Powers of Commissioner

17C The Public Service Commission may, for the public service or any part of the public service,

(a) review compensation policies and practices applicable to classes of persons in the public service and develop and implement such policies and practices as the Commission considers necessary to ensure that those persons are compensated appropriately;

(b) carry out research, reviews, studies and surveys in human resource management and, where appropriate, make recommendations to the Governor in Council;

- (c) develop, in consultation with the public service, succession management programs for classes of persons in the public service;
- (d) provide advisory services for employee training and development, human-resource planning and organizational studies;
- (e) develop human-resource management policies, programs, standards and procedures for the public service or any part of the public service;
- (f) advise and assist the public service on organizational development and design;
- (g) prescribe forms the Commission considers necessary for the efficient administration of the public service. 2001, c. 4, s. 42.

Delegation of duties and powers

17D The Public Service Commissioner may delegate in writing some of the Public Service Commission's duties and powers for such period as the Commissioner may determine to an employee, whereupon the duties and powers may be fully and effectively performed and exercised as if given to the employee by this Act. 2001, c. 4, s. 42.

Information to be provided

17E Notwithstanding any other Act, every person in the public service shall provide the Public Service Commission with such information and explanation as the Commission requires and the Commission shall have access, at all times, to the files, records and other documents relating to human-resource management. 2001, c. 4, s. 42.

Human-resource management policies

17F Any part of the public service that is directed by the Public Service Commission to develop or implement human-resource management policies, programs, standards or procedures, shall do so. 2001, c. 4, s. 42.

Notice to Commission

17G (1) In this Section, "employer" means the employer, or the person, association or entity in the position of the employer of a person in the public service, and includes a person, association or entity providing pay to a person in the public service;

(2) An employer shall, upon issuance or receipt of a notice to commence collective bargaining, advise the Public Service Commission in writing within five working days of issuance or receipt of the notice.

(3) Before commencing collective bargaining, the employer shall consult with the Public Service Commission and no collective agreement shall be entered into without the approval of the Public Service Commission. 2001, c. 4, s. 42.

Audit of Commission

17H The Public Service Commission is subject to audit by the Auditor General. 2001, c. 4, s. 42.

Regulations

17I (1) The Public Service Commission may, with the approval of the Governor in Council, make regulations

(a) respecting standards and procedures to be followed in collective bargaining, recruitment, selection, assignment, appointment and promotion in relation to the public service or a part of the public service;

(b) respecting compensation policies and practices applicable to classes of persons in the public service or a part of the public service;

(c) defining any word or expression used but not defined in this Act;

(d) respecting any matter or thing the Commission considers necessary or advisable to carry out the intent and purpose of this Act.

(2) The exercise by the Public Service Commission of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2001, c. 4, s. 42.

Conflict

17J A provision in a collective agreement that conflicts with

(a) a regulation made pursuant to Section 17I that affects employees of a bargaining unit covered by a collective agreement; or

(b) a policy, program, standard or procedure developed pursuant to Section 17B or 17C that affects employees of a bargaining unit covered by a collective agreement,

prevails over the regulation, policy, program, standard or procedure to the extent of the conflict. 2001, c. 4, s. 42.

17K *repealed 2010, c. 3, s. 12.*

18 *repealed 2008, c. 4, s. 8.*

19 to 23 *repealed 2004, c. 16, s. 1.*

Office of Aboriginal Affairs

24 (1) There shall be an Office of Aboriginal Affairs.

(2) The Governor in Council may assign to a member of the Executive Council responsibility for the Office of Aboriginal Affairs.

(3) The Office of Aboriginal Affairs shall be presided over by the Minister responsible for Aboriginal Affairs 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.

(4) The Governor in Council may appoint a person to be Chief Executive Officer of the Office of Aboriginal Affairs 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 Office of Aboriginal Affairs may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees. 2001, c. 4, s. 44; 2014, c. 34, s. 41.

Objects of Office

25 The objects and purposes of the Office of Aboriginal Affairs are to

(a) facilitate and promote a co-ordinated approach within the Government on matters related to aboriginal people in the Province;

(b) represent the interests of the Province in intergovernmental, bilateral and trilateral initiatives and negotiations; and

(c) provide research analysis and policy advice on aboriginal issues. 2001, c. 4, s. 44.

25A to 25E *repealed 2008, c. 4, s. 8.*

25EA to 25I *repealed 2011, c. 9, s. 25.*

Office of Communications Nova Scotia

25IA (1) There shall be an Office of Communications Nova Scotia.

(2) The Governor in Council may assign to a member of the Executive Council responsibility for the Office of Communications Nova Scotia.

(3) The Office of Communications Nova Scotia shall be presided over by the Minister of Communications Nova Scotia 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.

(4) The Governor in Council may appoint a person to be Chief Executive Officer of the Office of Communications Nova Scotia 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 officers and employees as are required for the purposes of the Office of Communications Nova Scotia may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees. 2008, c. 4, s. 10.

Objects and purposes of Office

251B The objects and purposes of the Office of Communications Nova Scotia are to

(a) provide centralized delivery of communications services with respect to non-partisan communications from the Government of the Province, including, without limiting the generality of the foregoing,

- (i) strategic communications planning,
- (ii) marketing and advertising services, including media planning and buying,
- (iii) communications research and evaluation,
- (iv) media-relations services, including preparation and distribution of news releases,
- (v) graphic design,
- (vi) strategic Internet planning and design,
- (vii) photography and videography,
- (viii) writing and editorial services, and
- (ix) *repealed 2014, c. 34, s. 42.*

(b) develop policies, practices, standards and guidelines with respect to communications from the Government of the Province, including, without limiting the generality of the foregoing, policies, practices, standards and guidelines with respect to paid advertising, management of the corporate identity of the Government of the Province and social media use; and

(c) ensure that communications from the Government of the Province are

- (i) timely,
- (ii) accurate,
- (iii) effective and designed to meet established objectives,
- (iv) presented in a factual and respectful manner,
- (v) delivered in a fiscally responsible manner,
- (vi) objective and not directed at promoting partisan interests,

- (vii) relevant to government responsibilities and priorities, and
- (viii) compliant with legal requirements and government policies and procedures. 2013, c. 42, s. 1; 2014, c. 34, s. 42.

Annual report

25IC (1) The Minister of Communications Nova Scotia shall submit each fiscal year to the Executive Council a report for the previous fiscal year setting out the paid advertising conducted by the Office of Communications Nova Scotia for the Government of the Province, the objectives and outcomes of the advertising and the expenditures made with respect to the advertising.

(2) The Minister shall table the annual report in the Assembly if the Assembly is then sitting or, where the Assembly is not then sitting, file it with the Clerk of the Assembly within fifteen days of its submission to the Executive Council. 2013, c. 42, s. 1.

25ID *repealed 2011, c. 9, s. 25.*

Office of Immigration

25J (1) There shall be an Office of Immigration.

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

(3) The Office of Immigration shall be presided over by the Minister of Immigration 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.

(4) The Governor in Council may appoint a person to be Chief Executive Officer of the Office of Immigration 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 Office of Immigration may be appointed pursuant to the *Civil Service Act* and that Act applies to those employees. 2005, c. 24, s. 2.

Functions

25K (1) It is the function of the Office of Immigration to take a lead role in engaging and in working with partners in the private, public, academic and non-governmental organization sectors in order to

- (a) attract immigrants to, integrate immigrants into and retain immigrants in the Province;

(b) promote the culture of a welcoming community for immigrants, including by the raising of public awareness and education on immigration and diversity issues;

(c) market the Province as an attractive immigration destination;

(d) strengthen immigration and settlement planning, policy and programming in the Province in order to improve opportunities to attract, integrate and retain immigrants; and

(e) ensure planning and capacity for the effective delivery of immigrant settlement and integration programming in the Province.

(2) It is the function of the Office of Immigration to

(a) facilitate and promote a co-ordinated approach within the Government to immigration;

(b) develop advice and provide support to the Government in policy, planning, research and co-ordination in matters involving immigration and settlement; and

(c) carry out such other duties as are assigned to the Office of Immigration by the Governor in Council or by statute. 2005, c. 24, s. 2.

Annual report

25L (1) The Minister of Immigration shall submit annually to the Executive Council a report for the previous fiscal year setting out the outcomes respecting the priorities and programs set out in the business plan adopted for the Office of Immigration.

(2) The Minister shall table the annual report in the Assembly, if the Assembly is then sitting, and if the Assembly is not sitting, file it within fifteen days with the Clerk of the Assembly. 2005, c. 24, s. 2.

OFFICE OF SERVICE NOVA SCOTIA

Administration of Office

25M (1) There shall be an Office of Service Nova Scotia that may be referred to as Service Nova Scotia.

(2) Service Nova Scotia shall be presided over by the Minister of Service Nova Scotia who has the supervision, direction and control of all affairs and matters relating to Service Nova Scotia and who shall supervise the performance of the functions of Service Nova Scotia.

(3) The Governor in Council may appoint a person to be the Chief Executive Officer of Service Nova Scotia who shall be paid such salary as the Gov-

error 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 Service Nova Scotia may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees. 2014, c. 34, s. 43.

Powers of Minister

25N The Minister of Service Nova Scotia has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) access to government services and programs;
- (b) consumer protection, including residential tenancies;
- (c) drivers and vehicles, except the determination of permissible vehicle weights and dimensions in relation to travel on public highways;
- (d) consumer proposals and Part X of the *Bankruptcy and Insolvency Act* (Canada);
- (e) geographic information services;
- (f) condominiums;
- (g) vital statistics;
- (h) the real property registries, the Personal Property Registry, the office of the Registrar of Joint Stock Companies, the Nova Scotia Business Registry, the Registry of Motor Vehicles and the office of the Registrar of Vital Statistics;
- (i) Part IV of the *Revenue Act* for administration purposes;
- (j) liquor control, film licensing and classification, amusement control and gaming control;
- (k) the administration of Acts, orders and regulations relating to the matters set out in clauses (a) to (j);
- (l) the collection of debts for departments and governmental units under programs designated by the Minister of Finance and Treasury Board; and
- (m) such other matters as may be assigned to the Minister by the Governor in Council or statute. 2014, c. 34, s. 43.

Provincial Tax Commissioner

25O (1) The Governor in Council shall appoint a person to be Provincial Tax Commissioner.

(2) The Provincial Tax Commissioner shall perform the duties and have the powers imposed and conferred upon the Provincial Tax Commissioner

by or pursuant to the *Revenue Act* and any other Acts, and shall perform such other duties as are prescribed by the Governor in Council or the Minister of Service Nova Scotia.

(3) The Provincial Tax Commissioner shall, under the direction of the Chief Executive Officer of Service Nova, carry out and report upon those duties and responsibilities that are imposed and conferred upon the Provincial Tax Commissioner as Provincial Tax Commissioner. 2014, c. 34, s. 43.

DEPARTMENT OF AGRICULTURE

Administration of Department

26 The Department of Agriculture shall be presided over by the Minister of Agriculture who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2006, c. 44, s. 2.

Powers of Minister

27 The Minister of Agriculture has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of

- (a) all matters relating to agriculture;
- (b) the administration of Acts, orders and regulations relating to agriculture in the Province; and
- (c) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2006, c. 44, s. 2.

28 *repealed 2001, c. 4, s. 45.*

THE ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE

Functions, powers and duties

29 (1) The functions, powers and duties of the Attorney General and Minister of Justice shall be the following:

- (a) the Attorney General is the law officer of the Crown, and the official legal adviser of the Lieutenant Governor, and the legal member of the Executive Council;
- (b) the Minister of Justice shall see that the administration of public affairs is in accordance with the law, and has the superintendence of all matters connected with the administration of justice in the Province not within the jurisdiction of the Dominion of Canada;
- (c) the Attorney General shall advise the heads of the several departments upon all matters of law concerning such departments or arising in the administration thereof;

(d) the Attorney General has the settlement and approval of all instruments issued under the Great Seal;

(e) the Attorney General has the regulation and conduct of all litigation for or against the Crown or any public department in respect of any subject within the authority or jurisdiction of the Government;

(f) the Attorney General has the functions and powers that belong to the office of the Attorney General of England by law or usage so far as the same are applicable to this Province, and also the functions and powers that previous to the coming into force of the *British North America Act, 1867* belonged to the office of Attorney General in the Province and that under the provisions of that Act are within the scope of the powers of the Government of the Province, including responsibility for affairs and matters relating to courts and prosecutions;

(g) the Attorney General and Minister of Justice has such other powers and shall discharge such other duties as are conferred and imposed upon the Attorney General or Minister of Justice by any Act of the Legislature of the Province, or by order in council made under the authority of any such Act.

(2) In any rule, order, regulation, by-law, ordinance or proceeding or in any document whatsoever, the Attorney General and Minister of Justice may be referred to as the Attorney General and Minister of Justice, the Attorney General or the Minister of Justice. R.S., c. 376, s. 29, 1993, c. 38, s. 15.

Deputy Minister

30 (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a person to be Deputy Attorney General and Deputy Minister of Justice, 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.

(2) In any rule, order, regulation, by-law, ordinance or proceeding or in any document whatsoever, the Deputy Attorney General and Deputy Minister of Justice may be referred to as the Deputy Attorney General and Deputy Minister of Justice, the Deputy Attorney General or the Deputy Minister of Justice. R.S., c. 376, s. 30; 1993, c. 38, s. 16.

DEPARTMENT OF COMMUNITIES, CULTURE AND HERITAGE

Minister presides

30A The Nova Scotia Department of Communities, Culture and Heritage shall be presided over by the Minister of Communities, Culture and Heritage who has the supervision, direction and control of all matters relating to the Department and who shall supervise the performance of the functions of the Department. 2011, c. 9, s. 26.

Powers of Minister

30B The Minister of Communities, Culture and Heritage has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

- (a) the development of the Province's culture sector, including cultural industries;
- (b) the development and preservation of the Province's natural and cultural heritage, including operation of the Nova Scotia Museum heritage service;
- (c) Nova Scotia Archives;
- (d) the Provincial Library;
- (e) the French-language Services Act;
- (f) creating and promoting an integrated approach within the Government on matters related to the African Nova Scotia community of the Province;
- (g) representing the interests of the Province in intergovernmental, and other initiatives and negotiations on matters integral to the interests of African Nova Scotians;
- (h) providing research analysis and policy advice on African Nova Scotian issues;
- (i) developing and co-operating on communication strategies and public education to increase within the Province of African Nova Scotian culture, heritage and community issues;
- (j) advocating the interests of the African Nova Scotian community;
- (k) developing and promoting the Gaelic language and culture in the Province;
- (l) the administration of Acts, orders and regulations relating to matters set out in clauses (a) to (k); and
- (m) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2011, c. 9, s. 26.

Annual report

30C (1) The Minister of Communities, Culture and Heritage shall annually prepare a report for the previous fiscal year respecting access by African Nova Scotians to government services and assistance.

(2) The Minister of Communities, Culture and Heritage shall table the annual report in the Assembly, if the Assembly is then sitting, and if the Assembly is not sitting, within fifteen days of its next sitting. 2011, c. 9, s. 26.

DEPARTMENT OF COMMUNITY SERVICES

Administration of Department

31 The Department of Community Services shall be presided over by the Minister of Community Services who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2001, c. 4, s. 46.

Powers of Minister

32 The Minister of Community Services has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) income assistance and employment support, housing, child and family services, child protection, the community supports for adults program and disabled persons;
- (aa) the Advisory Council on the Status of Women;
- (b) the administration of Acts, orders and regulations, relating to the matters referred to in clauses (a) and (aa);
- (c) such other matters as are assigned to the Minister by the Governor in Council or by statute. 2001, c. 4, s. 46; 2014, c. 34, s. 44.

DEPARTMENT OF ECONOMIC AND RURAL
DEVELOPMENT AND TOURISM**Administration of Department**

33 (1) The Department of Economic and Rural Development and Tourism shall be presided over by the Minister of Economic and Rural Development and Tourism who has the administration, supervision, direction and control of all the affairs and matters relating to economic and rural development in the Province and such other affairs and matters as are assigned to the Minister from time to time by the Governor in Council.

(2) In addition to any functions assigned to the Minister of Economic and Rural Development and Tourism by an enactment or the Governor in Council, and unless the Governor in Council otherwise directs, the functions of the Department of Economic and Rural Development and Tourism are to

- (a) develop, co-ordinate and implement policies, planning and programming relating to economic and rural development and the economic growth strategy;
- (b) co-ordinate and implement special projects with communities in economic transition;
- (c) promote improvement to and report on the status of the business climate;

- (d) collaborate with the private and public sectors in the improvement of a Provincial labour force with the skills to take advantage of new and changing opportunities;
- (e) assess and set overall priorities regarding Provincial economic and rural development strategic infrastructure projects;
- (f) co-operate with and support the work and efforts of other departments and the Government of Canada and its departments respecting matters relating to economic and rural development in the Province;
- (g) promote maximization of industrial and related benefits in respect of major procurement projects;
- (h) work in conjunction with Nova Scotia Business Incorporated to promote economic and rural development throughout the Province;
- (i) carry out tourism planning, development, marketing and operations;
- (j) carry out all affairs and matters related to the Province's Gateway Initiative;
- (k) carry out all affairs and matters related to the Province's trade policy and trade-related activities;
- (l) serve as the primary contact point for other governments in respect of interprovincial and international trade negotiations, agreements and disputes; and
- (m) carry out all affairs and matters related to business development field services. 2000, c. 30, s. 38; 2009, c. 14, s. 12; 2011, c. 9, s. 27.

Deputy Minister

34 The Governor in Council may appoint a Deputy Minister of Economic and Rural Development and Tourism 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. 2000, c. 30, s. 38; 2009, c. 14, s. 13; 2011, c. 9, s. 28

DEPARTMENT OF EDUCATION
AND EARLY CHILDHOOD DEVELOPMENT

Administration of Department

35 The Department of Education and Early Childhood Development shall be presided over by the Minister of Education and Early Childhood Development who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2001, c. 4, s. 46; 2013, c. 37, s. 18.

Powers of Minister

36 The Minister of Education and Early Childhood Development has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of

- (a) all affairs and matters relating to public education;
- (b) all affairs and matters pertaining to early childhood development services, including day care and early intervention;
- (c) *repealed 2008, c. 4, s. 11.*
- (d) all affairs and matters relating to trades, technical, technological and applied arts training;
- (e) *repealed 2011, c. 9, s. 29.*
- (f) *repealed 2008, c. 4, s. 11.*
- (g) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (e); and
- (h) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2001, c. 4, s. 46; 2008, c. 4, s. 11; 2011, c. 9, s. 29; 2013, c. 37, s. 19.

DEPARTMENT OF ENERGY

Administration of Department

36A The Department of Energy shall be presided over by the Minister of Energy who has the supervision, direction and control of all matters relating to the Department and who shall supervise the performance of the functions of the Department. 2006, c. 44, s. 3.

Powers of Minister

36B The Minister of Energy has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to energy resources, including oil and gas, electricity and renewable energy and other natural resources when used for the production of energy, including

- (a) developing and implementing energy policies and programs;
- (b) conducting research and analysis related to the effective management, including exploration, development and use, of the Province's energy resources;
- (c) liaising with other governments, departments, organizations, advisory groups, regulators and associations to advance the interests and concerns of the Province and facilitating co-ordinated energy policies, activities and programs;
- (d) managing the Province's energy resources in order to achieve optimum economic, social and environmental value from the energy sector,

including issuing rights to use the Province's oil and gas resources and monitoring the use of these rights;

(e) promoting the efficient, effective and environmentally sound use of energy;

(f) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (e); and

(g) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2006, c. 44, s. 3.

36C *repealed 2008, c. 4, s. 12.*

DEPARTMENT OF ENVIRONMENT

Administration of Department

37 The Department of Environment shall be presided over by the Minister of Environment who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2008, c. 28, s. 2.

Powers of Minister

38 The Minister of Environment has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

(a) the supervision, management, preservation and protection of the environment, including protected areas;

(b) leadership, coordination and reporting on environmental goals and sustainability;

(c) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) and (b); and

(d) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2008, c. 28, s. 2.

Lead minister

39 The Minister of Environment is the lead member of the Executive Council with respect to climate-change matters. 2008, c. 28, s. 2.

40 and 41 *repealed 2001, c. 4, s. 46.*

EXECUTIVE COUNCIL OFFICE

Duties and functions of Executive Council Office

41A The Executive Council Office, established by order in council 67-601 dated the eighth day of August, 1967, shall continue to be presided over by the President of the Executive Council or such other member of the Executive Council as the Governor in Council may designate and shall perform duties and functions and be staffed in accordance with that order in council. 1992, c. 14, s. 45.

DEPARTMENT OF FINANCE AND TREASURY BOARD

Powers and duties of Minister

42 The Department of Finance and Treasury Board shall be presided over by the Minister of Finance and Treasury Board who has all the powers and authority and perform all the duties conferred and imposed upon the Minister by the *Finance Act* or any other enactment and who may initiate studies of financial conditions and trends or financial policies. R.S., c. 376, s. 42; 2010, c. 2, s. 144; 2013, c. 37, s. 21.

Deputy Minister

43 The Governor in Council may appoint a person to be Deputy Minister of Finance and Treasury Board, 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. R.S., c. 376, s. 43; 2013, c. 37, s. 22.

Controller

43A (1) The Governor in Council may appoint a person to be Controller in the Department of Finance and Treasury Board and fix the remuneration of the Controller.

(2) The Controller shall, under the direction of the Deputy Minister, carry out and report upon those duties and responsibilities that are imposed or conferred upon the Controller by the Governor in Council or the Minister. 1994, c. 29, s. 24; 2013, c. 37, s. 23.

44 *repealed 1996, c. 8, s. 7.*

Duties of Minister of Finance and Treasury Board

44A The Minister of Finance and Treasury Board shall

- (a) examine, advise upon and compile the annual estimates of revenue and expenditure;
- (b) inquire into, examine and advise upon expenditures, commitments and prospective expenditures and revenues;
- (c) in the Minister's discretion, investigate any matter relating to the receipt and disbursement of public money;

- (d) make recommendations generally with a view to promoting economy in the public service;
- (da) be responsible for all affairs and matters assigned to the former Treasury Board Office;
- (db) assist the Treasury and Policy Board in carrying out its duties under this Act;
- (dc) co-ordinate public sector labour relations;
- (e) act upon such matters as may be referred to the Minister by the Executive Council. 1993, c. 38, s. 17; 2013, c. 37, s. 24; 2014, c. 34, s. 45.

DEPARTMENT OF FISHERIES AND AQUACULTURE

Administration of Department

44B The Department of Fisheries and Aquaculture shall be presided over by the Minister of Fisheries and Aquaculture who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2006, c. 44, s. 4.

Powers of Minister

44C The Minister of Fisheries and Aquaculture has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of

- (a) all matters over which the Legislature has jurisdiction relating to fisheries and aquaculture;
- (b) the administration of Acts, orders and regulations relating to fisheries and aquaculture in the Province; and
- (c) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2006, c. 44, s. 4.

DEPARTMENT OF HEALTH AND WELLNESS

Administration of Department

45 The Department of Health and Wellness shall be presided over by the Minister of Health and Wellness who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2001, c. 4, s. 47; 2011, c. 9, s. 31.

Powers of Minister

46 The Minister of Health and Wellness has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

(a) health, hospitals, insured health services, emergency health services, adult protection, home care, public health, addiction services and residential care facilities;

(aa) development and implementation of an integrated and strengthened public health system emphasizing both the promotion and protection of the health and well-being of Nova Scotians by

(i) promoting healthy eating and improving nutritional health by maintaining collaboration between partners,

(ii) leading a co-ordinated population-health approach to youth sexual health,

(iii) improving the health of Nova Scotians through participation in physical activity, sport, recreation, sport and recreation facility development,

(iv) promoting reduction in tobacco use through the implementation of the Province's comprehensive tobacco-control strategy,

(v) providing leadership and ensuring intersectoral collaboration with respect to the Nova Scotia Injury Prevention Strategy,

(vi) providing a continuum of addiction-related care and service spanning health promotion, addiction prevention and problem gambling,

(vii) promoting chronic disease prevention by leading the Province's co-ordinated and integrated multi-year initiatives, and

(viii) protecting public health in the areas of communicable disease prevention and control, environmental-health and public health emergency preparedness and response;

(b) the administration of Acts, orders and regulations, relating to the matters referred to in clause (a); and

(c) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2001, c. 4, s. 47; 2011, c. 9, s. 32.

46A and 46B *repealed 2011, c. 9, s. 33.*

Co-operation and collaboration

46C In addition to any powers given to the Minister of Health and Wellness by an enactment or the Governor in Council, the Minister may

(a) co-operate with departments of government and support the work of those departments to improve health promotion and protection throughout the Province; and

(b) collaborate with private, public and non-profit sectors to strengthen health promotion and protection initiatives in the Province and to

take advantage of improving opportunities to create environments that support improved health. 2006, c. 44, s. 5; 2011, c. 9, s. 33.

DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

Administration of Department

46D The Department of Intergovernmental Affairs shall be presided over by the Minister of Intergovernmental Affairs who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2008, c. 4, s. 13.

Powers of Minister

46E The Minister of Intergovernmental Affairs has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

(a) co-ordination of, and advancement of the Province's interests in, relations with the Government of Canada, the governments of other provinces of Canada and foreign governments at the national and subnational levels;

(b) priorities and strategic co-ordination in the field of intergovernmental affairs;

(c) the Protocol Office;

(ca) Government House;

(d) facilitation and promotion of a co-ordinated approach within the Government on international matters;

(e) and (f) *repealed 2011, c. 9, s. 34.*

and

(g) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2008, c. 4, s. 13; 2011, c. 9, s. 34; 2014, c. 34, s. 46.

DEPARTMENT OF INTERNAL SERVICES

Administration of Department

46EA The Department of Internal Services shall be presided over by the Minister of Internal Services who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance and functions of the Department. 2014, c. 34, s. 48.

Powers of Minister

46EB The Minister of Internal Services has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

- (a) public safety and field communications systems and services;
- (b) environmental services for the Government of the Province;
- (c) security support services, risk management and claims for the Government of the Province;
- (d) information, communication and technology services for the Government of the Province;
- (e) records management for the Government of the Province;
- (f) identity and access management for the Government of the Province, including designation of the Provincial identity information services provider;
- (g) information access and privacy policy for the Government of the Province;
- (h) operational accounting, internal audit, payroll client relations and payment transaction services;
- (i) acquisition and disposal of personal property belonging to or under the control of the Government of the Province;
- (j) the provision of Government procurement services;
- (k) the superintendence and management of all buildings and property, including leasing and licensing activities and building maintenance and services, belonging to or under the control of the Government of the Province;
- (l) the provision of Government postal services;
- (m) printing services and the Queen's Printer;
- (n) Nova Scotia Lands Inc., Harbourside Commercial Park Inc., Sydney Utilities Limited and Sydney Steel Corporation; and
- (o) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2014, c. 34, s. 48.

Chief Information Officer

46EC (1) The Governor in Council may appoint a person to be Chief Information Officer.

(2) The Chief Information Officer shall, under the direction of the Deputy Minister of Internal Services, carry out and report upon those duties and responsibilities that are imposed and conferred upon the Chief Information Officer. 2014, c. 34, s. 48.

DEPARTMENT OF LABOUR
AND ADVANCED EDUCATION**Administration of Department**

46F The Department of Labour and Advanced Education shall be presided over by the Minister of Labour and Advanced Education who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2008, c. 30, s. 2; 2011, c. 9, s. 36.

Powers of Minister

46G The Minister of Labour and Advanced Education has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

- (a) labour services and labour standards;
- (b) occupational health and safety;
- (c) pension services;
- (d) public safety;
- (e) workers' advisers program;
- (f) *repealed 2011, c. 9, s. 37.*
- (g) apprenticeship;
- (h) workplace education;
- (i) the Nova Scotia School for Adult Learning;
- (ia) all affairs and matters relating to post-secondary education, including financial assistance for students undertaking post-secondary education;
- (j) labour market development;
- (k) labour mobility and credential recognition;
- (ka) *repealed 2014, c. 34, s. 47.*
- (l) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (ka); and
- (m) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2008, c. 30, s. 2; 2011, c. 9, s. 37; 2014, c. 34, s. 47.

DEPARTMENT OF MUNICIPAL AFFAIRS

Administration of Department

46H The Department of Municipal Affairs shall be presided over by the Minister of Municipal Affairs who has the supervision, direction and control of all

affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2014, c. 34, s. 49.

Powers of Minister

46I The Minister of Municipal Affairs has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) municipal relations and provincial-municipal relations;
- (b) assessment services;
- (c) emergency management;
- (d) the Office of the Fire Marshal; and
- (e) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2014, c. 34, s. 49.

DEPARTMENT OF NATURAL RESOURCES

Administration of Department

47 The Department of Natural Resources shall be presided over by the Minister of Natural Resources who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2001, c. 4, s. 47.

Powers of Minister

48 The Minister of Natural Resources has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) matters over which the Legislature has jurisdiction relating to the development, management, conservation and protection of energy, forests, minerals, parks and wildlife resources and the administration of the Province's Crown land;
- (b) the administration of Acts, orders and regulations, relating to the matters set out in clause (a); and
- (c) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2001, c. 4, s. 47.

49 *repealed 1996, c. 8, s. 7.*

50 to 54 *repealed 2001, c. 4, s. 47.*

55 *repealed 1996, c. 8, s. 9.*

56 and 57 *repealed 2001, c. 4, s. 47.*

58 to 62 *repealed 1992, c. 14, s. 59.*

63 and 64 *repealed 1996, c. 8, s. 10.*

64A to 64C *repealed 2001, c. 4, s. 47.*

THE PROVINCIAL SECRETARY

Powers, duties and functions of Provincial Secretary

65 The powers, duties and functions of the Provincial Secretary shall be the following:

- (a) the Provincial Secretary is the keeper of the Great Seal of the Province;
- (b) the Provincial Secretary shall conduct and have charge of the correspondence of the Government of the Province;
- (c) the Provincial Secretary is the keeper of the archives, registers and records of the Government and Province that do not specially belong to other departments or are not transferred to the custody of the Board of Trustees of Public Archives of Nova Scotia;
- (d) the Provincial Secretary shall issue all letters patent, commissions and other documents under the Great Seal;
- (e) the Provincial Secretary has such other powers and functions and discharge such other duties as have heretofore been possessed or performed by the Provincial Secretary by law or practice or as are hereafter assigned to the Provincial Secretary by law or by the Governor in Council. R.S., c. 376, s. 65.

Deputy Provincial Secretary

66 The Governor in Council may appoint a person to be Deputy Provincial Secretary, 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. R.S., c. 376, s. 66.

DEPARTMENT OF SENIORS

Administration of Department

66A The Department of Seniors shall be presided over by the Minister of Seniors who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2008, c. 29, s. 2.

Powers of Minister

66B The Minister of Seniors has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) facilitating the planning, development, and coordination of policies, programs and services for seniors in partnership with government departments, seniors and voluntary seniors' groups;
- (b) administration of the *Senior Citizens' Secretariat Act*; and
- (c) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2008, c. 29, s. 2.

67 to 69 *repealed 2014, c. 34, s. 50.*

70 and 71 *repealed 2011, c. 9, s. 39.*

DEPARTMENT OF TRANSPORTATION
AND INFRASTRUCTURE RENEWAL

Administration of Department

72 The Department of Transportation and Infrastructure Renewal shall be presided over by the Minister of Transportation and Infrastructure Renewal who has the supervision, direction and control of all offices and matters relating to the Department and who shall supervise the performance of the functions of the Department. 2001, c. 4, s. 48; 2008, c. 4, s. 18.

Powers of Minister

73 The Minister of Transportation and Infrastructure Renewal has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) the construction, maintenance and operation of all roads, bridges and ferries belonging to or under the control of the Government of the Province;
- (b) all public highways and the traffic thereon, including the determination of permissible vehicle weights and dimensions;
- (c) the administration, development and implementation of policies, planning and programs of the Government of the Province relating to road, rail, air and marine transport systems;
- (d) the safe operation of railways under the jurisdiction of the Government of the Province;
- (e) *repealed 2014, c. 34, s. 51.*

(f) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (e) except in so far as they relate to drivers and vehicles;

(fa) acquisition and disposal of real property;

(g) *repealed 2014, c. 34, s. 51.*

(h) the management and control, in so far as the same are by law vested in or appertain to the Government of the Province, of all construction and capital improvement of all public buildings and other public works constructed and maintained, in whole or in part, at the expense of the Government of the Province;

(i) *repealed 2014, c. 34, s. 51.*

(j) such other matters as may be assigned to the Minister by the Governor in Council or by statute. 2001, c. 4, s. 48; 2008, c. 4, s. 19; 2014, c. 34, s. 51.

74 *repealed 2001, c. 4, s. 48.*

75 *repealed 1996 c. 8, s. 11.*

EMPLOYEES OF THE LEGISLATURE

Employees of House of Assembly subject to Commission

76 (1) The Chief Clerk of the House of Assembly, the Assistant Clerk of the House of Assembly, appointed by the Governor in Council, the Sergeant-at-Arms of the House of Assembly, appointed by the House of Assembly, and all messengers, pages and all other employees of the House of Assembly are, in the performance of their duties, subject to the supervision and control of the House of Assembly Management Commission.

(2) All employees of the House of Assembly, other than the Chief Clerk, Assistant Clerk and Sergeant-at-Arms, shall be appointed by the Commission. R.S., c. 376, s. 76; 2010, c. 5, s. 35.

77 to 79 *repealed 2010, c. 5, s. 36.*

Powers and duties of Commission

80 All matters relating to the issuing of orders or requisitions, the passing of accounts and the general expenditure of moneys in connection with the House, other than members' indemnity, shall be dealt with and settled by the House of Assembly Management Commission. R.S., c. 376, s. 80; 2010, c. 5, s. 37.

Complaint respecting employee of House

81 If any complaint or representation is made to the Speaker of the House regarding the conduct or fitness of any officer, employee, messenger or other

person attendant on the House, it is lawful for the Speaker to cause an inquiry to be made into the conduct or fitness of such person. R.S., c. 376, s. 81.

Suspension of employee of House

82 If it appears to the Speaker that such person has misconducted himself or is unfit to hold his position, the Speaker may, if such person has been appointed by the Governor in Council, suspend the person and report such suspension to the Governor in Council and, if the person has been appointed by the House of Assembly Management Commission, suspend the person and report such suspension to the Commission, which is hereby authorized to take such action as may be deemed necessary. R.S., c. 376, s. 82; 2010, c. 5, s. 38.

GENERAL PROVISIONS

Powers and duties of official appointed under statute

83 Every official appointed under the authority of this Act or any other statute of the Province shall have such powers and perform such duties as are specified in any statute in that behalf or as are, from time to time, determined by the Governor in Council. R.S., c. 376, s. 83; revision corrected.

Associate deputy minister

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. 2009, c. 14, s. 15.

Assistant deputy minister

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. 2009, c. 14, s. 15.

Regulations on letting of contracts

85 The Governor in Council may from time to time make regulations respecting the letting of contracts for the execution of public works, after advertisement asking tenders therefor, and generally for such guards and provisions as appear most judicious for the checking of any abuse and the more vigilant and faithful husbanding of the public moneys. R.S., c. 376, s. 85.

Administrative Assistant to Premier

86 (1) The Governor in Council may appoint a person to be Administrative Assistant to the Premier, 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 Premier or by the Governor in Council.

(2) The Administrative Assistant to the Premier has the status of a deputy head and the provisions of the *Civil Service Act* relating to a deputy or to a deputy head apply to the Administrative Assistant. R.S., c. 376, s. 86.

87 *repealed 2014, c. 34, s. 52.*

Early retirement

88 (1) Notwithstanding anything in the *Public Service Superannuation Act*, or the regulations made pursuant thereto, respecting retirement, the Governor in Council may designate any person, or class of persons, or member of a class of persons, appointed to positions in the public service as a special class who have a right to retire after a minimum number of years of eligible service and upon attaining an age prescribed for early retirement.

(2) A person entitled to retire pursuant to this Section may elect to retire from the public service and receive an immediate pension pursuant to this Section.

(3) For the purpose of this Section, the Governor in Council may, from time to time, either generally or specifically,

- (a) prescribe the minimum number of years of eligible service required for early retirement;
- (b) prescribe the minimum age for early retirement;
- (c) order a special payment to a person entitled to retire pursuant to this Section;
- (d) give additional service credit for the purpose of the calculation of a pension pursuant to this Section;
- (e) determine the basis of calculating a pension;
- (f) order that the pension be increased in relation to the cost of living, or otherwise, as the Governor in Council may determine.

(4) All survivor and other benefits which apply to a superannuation allowance paid under the *Public Service Superannuation Act* apply in respect of the pension payable pursuant to this Section as if they were set forth herein, except that the benefits shall be based upon the pension payable pursuant to this Section.

(5) Notwithstanding Section 54 of the *Public Service Superannuation Act*, an election to retire and receive a pension pursuant to this Section does not affect a person's entitlement to an allowance or benefits pursuant to that Act.

(6) Where a person elects to retire and receive a pension pursuant to this Section, and where that person or that person's survivor is or becomes entitled to a superannuation allowance or other benefits pursuant to the *Public Service*

Superannuation Act, payments made in accordance with this Section shall be reduced by the amount of that allowance or those benefits.

(7) All payments made pursuant to this Section shall be charged to the General Revenue Fund of the Province.

(8) A regulation made pursuant to this Section may, if it so provides, be made retroactive in its operation to a date not earlier than the first day of April, 1986.

(9) In this Section, “eligible service” means eligible service within the meaning and for the purpose of the *Public Service Superannuation Act*. R.S., c. 376, s. 88; 2010, c. 2, s. 145; 2014, c. 34, s. 53.

Regulations

89 (1) The Governor in Council may make regulations designating a body or class of bodies, other than municipalities, that receive substantial funding from the Province, that manage assets of the Province or that are contracted to perform services for the Province pursuant to an enactment or otherwise, as a government agency or government agencies for the purpose of subsection 10(1).

(2) The Governor in Council may make regulations expanding the definition of “public service” in Section 17 to include employees of other bodies or classes of bodies, other than municipalities, that receive substantial funding from the Province, that manage assets of the Province, or that are contracted to perform services for the Province pursuant to an enactment or otherwise.

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is regulations within the meaning of the *Regulations Act*. 2001, c. 4, s. 50.