

# **Executive Council Bylaw**

CHAPTER 2 (2020 SUPPLEMENT)  
OF THE CONSOLIDATED BYLAWS, 2020

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**A Bylaw Respecting  
the Executive Council**

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**1 Short title**

This Bylaw may be cited as the *Executive Council Bylaw*.

**1A Interpretation**

In this Bylaw and in any other enactment, “member of the Executive Council” does not include an honorary member of the Executive Council except where expressly provided.

**2 Regional Minister**

(1) The Regional Minister is elected by ranked-choice by the members of the Assembly during the fourteen days following an election for the Assembly, or when the offices of Regional Minister and Deputy Regional Minister are both vacant.

(2) Only a member of the Regional House may nominate a person for Regional Minister.

(3) The members of a registered party shall only nominate the leader of their party for Regional Minister, and such members shall share the same nomination.

(4) Nominating a person for Regional Minister shall be optional for a member of the Assembly if two or more nominations are brought forward by other members or registered parties, but each registered party shall nominate their leader if their leader meets the eligibility requirements for nomination pursuant to subsection (5).

(5) A person eligible for nomination to the office of Regional Minister

(a) is a member of the Assembly;

(b) is not a member of the Assembly but holds the office of Regional Minister during the time of nomination; or

(c) is the leader of a registered party,

and

(a) is a Canadian citizen of not less than eighteen years of age;

(b) is not the Speaker or the Deputy Speaker;

(c) is willing to be nominated; and

(d) affirms to accept the office of Regional Minister upon being elected.

(6) The Regional Minister is subject to the same disqualifications and independence, powers and privileges, and offences and penalties of the members of the Assembly pursuant to Sections 17-38 of the *Regional Assembly Bylaw*.

(7) The Regional Minister shall not hold the office of Speaker or Deputy Speaker during his or her time as Regional Minister.

(8) When a new Regional Minister is elected, the current Regional Minister shall vacate his or her office as Regional Minister and the new Regional Minister shall fill that office on the same day.

(9) The Regional Minister may vacate or resign office as Regional Minister by written notice to the Speaker, if the Assembly is in session, or to the Regional Secretary, if the Assembly is not in session.

### **3 Deputy Regional Minister**

(1) When the office of Deputy Regional Minister is vacant, the Chief Commissioner shall, on the advice of the Regional Minister, appoint a member of the Assembly to be Deputy Regional Minister.

(2) The Deputy Regional Minister shall vacate his or her office as Deputy Regional Minister upon ceasing to be a member of the Assembly.

(3) The Deputy Regional Minister may vacate or resign office as Deputy Regional Minister by written notice to the Speaker, if the Assembly is in session, or to the Regional Secretary, if the Assembly is not in session.

(4) In case of a vacancy happening in the office of Regional Minister by death, resignation or otherwise, the Assembly shall, with all practicable speed, proceed to elect a Regional Minister and, until the election of a Regional Minister as aforesaid, the Deputy Regional Minister shall perform all the duties and exercise all the authority of Regional Minister.

### **4 Executive Council**

The Executive Council shall be composed of such persons as the Chief Commissioner from time to time thinks fit.

## 5 Ministers

The Chief Commissioner may, on the advice of the Regional Minister, appoint under the Great Seal of the Region 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;
- (c) Attorney General;
- (d) the Regional Secretary;
- (e) the Minister of Agriculture;
- (f) the Minister of Communities, Culture and Heritage;
- (g) the Minister of Community Services;
- (h) the Minister of Economic and Rural Development and Tourism;
- (i) the Minister of Education and Early Childhood Development;
- (j) the Minister of Energy;
- (k) the Minister of Environment;
- (l) the Minister of Finance and Treasury Board;
- (m) the Minister of Fisheries and Aquaculture;
- (n) the Minister of Health and Wellness;
- (o) the Minister of Intergovernmental Affairs;
- (p) the Minister of Internal Affairs;
- (q) the Minister of Labour and Advanced Education;
- (r) the Minister of Linguistic and Historical Communities Affairs;
- (s) the Minister of Mi'kmaq Affairs;
- (t) the Minister of Municipal Affairs;
- (u) the Minister of Natural Resources;
- (v) the Minister of Planning and Priorities;
- (w) the Minister of the Public Service Commission;
- (x) the Minister of Seniors;
- (y) the Minister of Service Cape Breton Island;
- (z) the Minister of Transportation and Infrastructure Renewal;
- (aa) the Minister of Visible Minorities Affairs,

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.

## 6 Acting Minister

(1) The Commissioner 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 Region or is unable for any reason to perform the duties of his or her 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.

**7 Mayor or councillor ineligible**

(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*.

**7A Honorary members of Executive Council**

(1) The Chief Commissioner may appoint under the Great Seal of the Region as honorary members of the Executive Council members and former members of the Regional Assembly.

(1A) On and after the coming into force of this Section, the Chief Commissioner shall appoint under the Great Seal of the Region 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.

**7B Honorific and initials**

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.C.B.I.” after the member’s name to indicate membership in the Executive Council.

**8 Salary of Regional Minister and minister with portfolio**

(1) There shall be paid to the member of the Executive Council holding the recognized position of Regional Minister in addition to the amounts to which he or she is entitled under the *Regional Assembly Bylaw* an annual salary in the amount determined pursuant to Section 44 of that Bylaw.

(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 or she is entitled under the *Regional Assembly Bylaw* an annual salary in the amount determined pursuant to Section 44 of that Bylaw.

(3) The salaries under subsections (1) and (2) shall be payable out of the Consolidated Fund of the Region in monthly instalments provided that a salary shall commence as of the first day of the month in which the members 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 Region.

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

(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 or she is paid under the *Regional Assembly Bylaw* such annual salary as is determined by the Commissioner in Council payable out of the Consolidated Fund of the Region in monthly instalments, provided that such annual salary determined by the Commissioner in Council shall not be less than seven thousand five hundred dollars nor more than the amount determined pursuant to Section 44 of that Bylaw and provided that the salary shall commence as of the first 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 or her for his or her expenses incurred by reason of his or her 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 or she 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 Commissioner in Council.

## **10 Expenses of outside member**

Every member of the Executive Council who is an outside member as defined by the *Regional Assembly Bylaw* shall be paid out of the Consolidated Fund of the Region in addition to the amounts to which he or she is entitled under the *Regional Assembly Bylaw* an amount to reimburse him or her for travelling expenses between the place of the Government of Cape Breton Island and his or her constituency and for actual expenses for accommodation and other reasonable expenses incurred as a result of being in the place of the Government of Cape Breton Island while a member of the Executive Council.

## **11 Other expenses of member**

Every member of the Executive Council shall be paid from the Consolidated Fund of the Region a sum sufficient to indemnify him or her for reasonable expenses incurred for travelling or otherwise in the discharge of his or her official duties.

## **11A Ministerial assistants**

The Commissioner in Council may appoint members of the Regional Assembly to be ministerial assistants.

## **12 Regulations respecting expenses**

The Commissioner in Council may make regulations in respect of expenses, including the basis of reimbursement, any representation or incidental expense allowance for the Regional Minister, the form of reimbursement account and the manner of certification and approval for payment.

### **13 Clerk**

- (1) The Commissioner in Council may appoint a Clerk of the Executive Council who shall be paid such salary as the Commissioner 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 Region 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 Commissioner 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.
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