

The Executive Government Administration Act

being

Chapter E-13.1* of the *Statutes of Saskatchewan, 2014*
(effective August 15, 2014).

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-13.1

An Act respecting the Administration of the Executive Government of Saskatchewan, making consequential and related amendments to certain Acts and regulations and repealing certain other Acts

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Executive Government Administration Act*.

Interpretation

2 In this Act:

- (a) “**executive council**” means the Executive Council of the Province of Saskatchewan continued pursuant to section 3;
- (b) “**executive government**” means the executive government of Saskatchewan;
- (c) “**federal-provincial agreement**” means an agreement contemplated by section 21;
- (d) “**legislative secretary**” means a legislative secretary appointed pursuant to section 7;
- (e) “**minister**” means a member of the executive council and includes the President of the Executive Council;
- (f) “**ministry**” means a ministry, department, secretariat, office or other similar agency of the executive government;
- (g) “**prescribed**” means prescribed in the regulations.

2014, c.E-13.1, s.2.

PART II Executive Council

Executive council continued

3 The Executive Council of the Province of Saskatchewan is continued and consists of its present members and any other persons that the Lieutenant Governor may appoint.

2014, c.E-13.1, s.3.

c. E-13.1 EXECUTIVE GOVERNMENT ADMINISTRATION

Ministerial appointments

4(1) The Lieutenant Governor may appoint, under the Great Seal, from among the members of the executive council, the following officers to hold office during pleasure:

- (a) a President of the Executive Council;
- (b) ministers to preside over the ministries of the executive government and to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5;
- (c) ministers, in addition to those appointed pursuant to clause (b), to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5.

(2) The Lieutenant Governor in Council may determine the titles by which the ministers appointed pursuant to subsection (1) are to be known.

2014, c.E-13.1, s.4.

Transfer of powers, etc.

5(1) The Lieutenant Governor in Council may, on the recommendation of the President of the Executive Council:

- (a) assign to any minister any power, duty or function conferred or imposed by law on a minister;
- (b) transfer any power, duty or function assigned to a minister pursuant to clause (a) to any other minister; or
- (c) transfer any power, duty or function that is conferred or imposed by law:
 - (i) on any minister, to any other minister; or
 - (ii) on any ministry, to any minister or other ministry.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may assign to any minister or transfer from one minister to another the administration of:

- (a) any Act or portion of an Act; or
- (b) any part of the public service.

(3) An assignment or transfer pursuant to subsection (1) or (2) may be made either absolutely or limited for any period and with respect to any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(4) If the administration of an Act or portion of an Act or a part of the public service is transferred to a minister pursuant to subsection (2), the Lieutenant Governor in Council may also transfer to the minister for administration the whole or any part of the moneys appropriated with respect to that Act or part of the public service.

- (5) On and from the effective date of a transfer pursuant to subsection (1) or (2):
- (a) the minister or ministry to which the power, duty, function or administration is transferred and the appropriate officers of the ministry have and may exercise the respective powers, duties and functions that formerly belonged to or were exercisable by the minister or ministry and the respective officers of the ministry from which the power, duty, function or administration is transferred; and
 - (b) with respect to the exercise of the powers, duties and functions described in clause (a), the minister or ministry to which a power, duty, function or administration is transferred and the appropriate officers of the ministry shall be substituted, in any Act, regulation, order or document, for the minister or ministry and the respective officers of the ministry from which the power, duty, function or administration is transferred.

2014, c.E-13.1, s.5.

Committees

- 6(1)** The Lieutenant Governor in Council may:
- (a) establish one or more committees to the executive council, each consisting of a minister, who shall preside over the committee, and any other persons that the Lieutenant Governor in Council may appoint; and
 - (b) determine the duties and functions of each committee established pursuant to clause (a).
- (2) Each committee established pursuant to clause (1)(a) may make its own rules and procedures.

2014, c.E-13.1, s.6.

Legislative secretaries

- 7(1)** The Lieutenant Governor in Council may appoint one or more members of the Legislative Assembly to serve, with or without additional remuneration, as legislative secretaries to ministers.
- (2) A legislative secretary appointed to assist a minister shall assist the minister in any manner that the minister may direct.
- (3) The appointment of a legislative secretary terminates on the earlier of:
- (a) the day on which he or she ceases to be a member of the Assembly; and
 - (b) the day on which the appointment is cancelled.

2014, c.E-13.1, s.7.

c. E-13.1 EXECUTIVE GOVERNMENT ADMINISTRATION

Expenses

8 Ministers and legislative secretaries are entitled to reimbursement for reasonable travelling and other expenses incurred in the discharge of their duties at the prescribed rates and in accordance with any prescribed conditions.

2014, c.E-13.1, s.8.

PART III
Executive Government

Organization of executive government

9(1) Notwithstanding any Act or other law, but subject to the other provisions of this Act, the Lieutenant Governor in Council may, by regulation, on the recommendation of the President of the Executive Council, determine the organization of the executive government and of its various ministries, and for that purpose may:

- (a) establish, continue or vary any ministry and determine the objects and purposes of the ministry;
- (b) disestablish any ministry;
- (c) determine or change the name of any ministry.

(2) Sections 15 to 17 of *The Regulations Act, 1995* do not apply to regulations made pursuant to subsection (1).

2014, c.E-13.1, s.9.

Seal

10(1) The Lieutenant Governor in Council may approve the creation of a seal for a ministry and may approve the alteration or modification of the seal.

(2) If, on the coming into force of this section, a seal is in existence for and in use by any ministry, that seal continues to be the seal of the ministry until otherwise ordered by the Lieutenant Governor in Council.

2014, c.E-13.1, s.10.

Staff

11 The staff of a ministry consists of a deputy minister or other head as determined by the Lieutenant Governor in Council and any other employees that are required for the proper conduct of the business of the ministry, and their duties and functions include those that are imposed by law and that are assigned to them by the minister who presides over the ministry.

2014, c.E-13.1, s.11.

Annual report

12 Each minister shall, in each fiscal year, in accordance with section 13:

- (a) prepare and submit to the Lieutenant Governor in Council a report respecting the work performed by each ministry over which the minister presides; and
- (b) lay before the Assembly each report prepared pursuant to clause (a).

2014, c.E-13.1, s.12.

Laying documents before the Assembly

13(1) A person who is required by this Act or any other Act to prepare a document to be laid before the Assembly shall submit the document to the person who is required by that Act to lay the document before the Assembly:

- (a) at least 30 days before the document must be laid before the Assembly; or
- (b) within any shorter period required by that Act.

(2) The person to whom a document is submitted pursuant to subsection (1) shall lay the document before the Assembly within 120 days after the end of the period with respect to which the document is prepared.

(3) If the Lieutenant Governor in Council is required by any Act to lay a document before the Assembly, the President of the Executive Council or a member of the executive council designated by the President of the Executive Council shall lay the document before the Assembly.

(4) If the Assembly is not sitting when a document is required to be laid before the Assembly in accordance with this section, the person who is required to lay the document before the Assembly shall submit the document to the Clerk of the Legislative Assembly.

(5) When the Clerk of the Legislative Assembly receives a document pursuant to subsection (4), the Clerk shall, as soon as possible:

- (a) subject to subsection (6), cause a copy of the document to be delivered to each member of the Assembly; and
- (b) make the document available for public inspection during normal business hours of the Clerk of the Legislative Assembly.

(6) The requirement in subsection (5) to deliver a copy of a document to the members of the Assembly does not apply in the period that:

- (a) commences on the day an Assembly is dissolved; and
- (b) ends on the day fixed for making the return to the writ for the general election held pursuant to *The Election Act, 1996* that follows the dissolution mentioned in clause (a).

(7) If a document is submitted to the Clerk of the Legislative Assembly in accordance with subsection (4), the document is deemed to have been laid before the Assembly.

(8) This section does not require a document to be laid before the Assembly more than once.

2014, c.E-13.1, s.13.

Advisors, etc.

14 For the purposes of exercising any of the powers or performing any of the duties or functions conferred or imposed on the minister by or pursuant to this Act or any other law, a minister may engage the services of or retain any technical, professional or other advisors, specialists or consultants that the minister considers necessary.

2014, c.E-13.1, s.14.

c. E-13.1 EXECUTIVE GOVERNMENT ADMINISTRATION**Advisory committees**

15 For the purposes of exercising any of the powers or performing any of the duties or functions conferred or imposed on the minister by or pursuant to this Act or any other law, a minister may, subject to the approval of the Lieutenant Governor in Council, appoint one or more advisory committees for a specific period and for a specific purpose.

2014, c.E-13.1, s.15.

Grants

16(1) Subject to subsection (3), a minister may, for any purpose relating to any matter under the minister's administration or for which the minister is responsible, make grants to any person, agency, organization, association, institution or body within or outside Saskatchewan.

(2) A minister may set terms or conditions on a grant made pursuant to this section.

(3) A minister shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to subsection (1) if:

- (a) the amount of the grant is greater than \$50,000; or
- (b) the total amount of the grant and any other grant made by that minister to that person, agency, organization, association, institution or body would be greater than \$50,000 in any fiscal year.

2014, c.E-13.1, s.16.

Financial assistance

17 For any purpose relating to any matter under the minister's administration or for which the minister is responsible, a minister may provide financial assistance by way of a grant, loan, guarantee or other similar means to any person, agency, organization, association, institution or body within or outside Saskatchewan:

- (a) with respect to any prescribed programs; and
- (b) in accordance with any prescribed terms or conditions.

2014, c.E-13.1, s.17.

Agreements

18(1) Subject to Part IV, to subsection (2) and to any prescribed restriction, a minister may enter into agreements on behalf of the Government of Saskatchewan for any purpose relating to any matter under the minister's administration or for which the minister is responsible, with:

- (a) the government of any other province or territory of Canada or a minister, agent or official of that government;
- (b) the government of any other country or any jurisdiction within that country; or
- (c) any person, agency, organization, association, enterprise, institution or body within or outside Saskatchewan.

(2) A minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement pursuant to subsection (1), other than an agreement made for the purposes of section 14, if:

- (a) the Government of Saskatchewan is liable to make any expenditure pursuant to the agreement that is greater than \$50,000 in any fiscal year; or
- (b) the amount to be paid pursuant to the agreement and any other agreement entered into by that minister with that government, person, agency, organization, association, enterprise, institution or body would be greater than \$50,000 in any fiscal year.

2014, c.E-13.1, s.18.

Notice of certain agreements

19(1) Before entering into an agreement pursuant to clause 18(1)(a) or (b) or Part IV or with any person, agency, organization, association, enterprise, institution or body outside Canada pursuant to clause 18(1)(c), a minister shall give notice to the member of the Executive Council assigned responsibility for intergovernmental affairs of the minister's intention to enter into that agreement.

(2) The failure by a minister to give the notice required by subsection (1) does not invalidate the agreement.

2014, c.E-13.1, s.19.

Certain other powers not affected

20 The powers of a minister pursuant to sections 14 to 18 do not limit similar powers conferred on a minister by any other Act or law.

2014, c.E-13.1, s.20.

PART IV

Federal-provincial Agreements

Federal-provincial agreements

21(1) For any purpose of provincial interest and in particular for the purpose of obtaining for Saskatchewan the benefits of any programs, arrangements or proposals involving joint participation by the Government of Saskatchewan and the Government of Canada, including any programs, arrangements or proposals by the Government of Canada to provide financial contributions in the form of grants, loans, guarantees or investments to promote the social and economic development of Saskatchewan or any area or municipality in Saskatchewan, the Government of Saskatchewan:

- (a) may enter into agreements with the Government of Canada or any agency of the Government of Canada; and
- (b) may obligate the Government of Saskatchewan or any agency of the Government of Saskatchewan to any extent considered necessary to realize the provincial interest, to obtain the benefits or to effect the programs, arrangements or proposals in Saskatchewan.

c. E-13.1 EXECUTIVE GOVERNMENT ADMINISTRATION

(2) Subject to subsection (3), a minister may enter into a federal-provincial agreement on behalf of the Government of Saskatchewan or an agency of the Government of Saskatchewan, for any purpose under the minister's administration or for which the minister is responsible.

(3) A minister may enter into a federal-provincial agreement for any purpose pursuant to which the Government of Saskatchewan or any agency of the Government of Saskatchewan is liable to make any expenditure greater than \$50,000 if:

- (a) the financial arrangements of the agreement have been approved by the Minister of Finance; and
- (b) the Lieutenant Governor in Council has:
 - (i) approved the terms and conditions of the federal-provincial agreement; and
 - (ii) authorized the minister to enter into the agreement.

2014, c.E-13.1, s.21.

Implementation of federal-provincial agreements

22 For the purpose of carrying out the terms of any federal-provincial agreement, the Lieutenant Governor in Council may authorize a minister, on behalf of the Government of Saskatchewan, or an agency of the Government of Saskatchewan, to do any or all of the following:

- (a) establish, coordinate, organize, plan, direct and control within Saskatchewan:
 - (i) a program or arrangement approved or authorized by a federal-provincial agreement;
 - (ii) a program or arrangement to be carried out jointly by the governments or agencies of Canada and Saskatchewan related to a federal-provincial agreement;
 - (iii) a provincial program related to a program or arrangement mentioned in subclause (i) or (ii);
- (b) exercise all or any of the powers and duties of a minister pursuant to any Act, including the power to make advances, grants or loans or provide guarantees to a municipality, person or association or to make investments in any undertaking of a municipality, person or association;
- (c) enter into agreements with municipalities, persons or associations;
- (d) engage personnel to carry out the program or arrangement.

2014, c.E-13.1, s.22.

Powers of municipalities, etc., respecting agreements

23 For the purposes of a federal-provincial agreement or a program or arrangement mentioned in clause 22(a), a municipality, person or association may:

- (a) subject to *The Municipal Board Act*, accept advances, grants, loans or guarantees from, or investments by, the Government of Saskatchewan, the Government of Canada or any agency of either of those governments; and
- (b) enter into agreements with the Government of Saskatchewan or any agency of the Government of Saskatchewan or with any other municipality, person or association.

2014, c.E-13.1, s.23.

Relationship with other Acts

24(1) Any agreement with the Government of Canada or any agency of the Government of Canada shall be entered into by the Government of Saskatchewan in accordance with section 21 notwithstanding that authority for the Government of Saskatchewan or a minister to enter into the agreement may exist in another Act.

(2) Any program, arrangement, agreement or action agreed to pursuant to an agreement with the Government of Canada or any agency of the Government of Canada or authorized by section 22 or 23 does not require any further statutory authority to be implemented or carried out by the Government of Saskatchewan or an agency of the Government of Saskatchewan.

(3) If there is a conflict between a provision of this Part and any other Act, the provision of this Part prevails.

(4) A failure to comply with subsection (1) does not invalidate the agreement.

2014, c.E-13.1, s.24.

PART V

Office of the Executive Council**Interpretation of Part**

25 In this Part, “**office**” means the Office of the Executive Council continued pursuant to section 26.

2014, c.E-13.1, s.25.

Office of the Executive Council continued

26 The ministry of the Government of Saskatchewan called the Office of the Executive Council is continued.

2014, c.E-13.1, s.26.

President of the Executive Council to preside over the office

27 The President of the Executive Council shall preside over the office.

2014, c.E-13.1, s.27.

c. E-13.1 EXECUTIVE GOVERNMENT ADMINISTRATION

Staff of office

28(1) The staff of the office consists of:

- (a) the Deputy Minister to the Premier;
- (b) the Cabinet Secretary;
- (c) the Clerk of the Executive Council; and
- (d) any other employees that are required for the proper conduct of the business of the office.

(2) The duties of the staff are:

- (a) the duties that are imposed by law; and
- (b) the duties that may be assigned to them by the President of the Executive Council.

2014, c.E-13.1, s.28.

Duties of office

29 The office has the following duties:

- (a) to act as secretariat to the executive council and to any committee to the executive council that the Lieutenant Governor in Council may designate;
- (b) to coordinate, under the direction of the President of the Executive Council or another minister designated by the Lieutenant Governor in Council, all matters involving relationships with other governments;
- (c) to perform any duties that may be assigned to it by the Lieutenant Governor in Council.

2014, c.E-13.1, s.29.

PART VI
General

Great Seal

30 The Lieutenant Governor in Council may:

- (a) vary the Great Seal of Saskatchewan; or
- (b) adopt and provide another Great Seal of Saskatchewan.

2014, c.E-13.1, s.30.

Out-of-province offices

31(1) The Lieutenant Governor in Council may:

- (a) authorize a minister to establish an office outside Saskatchewan for the purpose of promoting Saskatchewan;
- (b) appoint a person to be in charge of an office established pursuant to clause (a); and
- (c) determine the duties and powers of the person appointed pursuant to clause (b).

- (2) An office mentioned in subsection (1) may be operated in cooperation with:
- (a) another minister;
 - (b) the Government of Canada or the government of another province or territory of Canada;
 - (c) the government of another country or the government of a jurisdiction within another country; or
 - (d) any person, agency, organization, association, enterprise, institution or body.
- (3) A person appointed pursuant to clause (1)(b) may:
- (a) subject to subsection (4):
 - (i) acquire on behalf of the Government of Saskatchewan, by purchase, lease or otherwise, any real or personal property required for the proper operation of the office; and
 - (ii) sell, lease or otherwise dispose of any property no longer required for that purpose; and
 - (b) employ officers, agents, clerks and other employees required for the proper operation of the office.
- (4) The approval of the Lieutenant Governor in Council is to be obtained for any acquisition or disposition of property pursuant to clause (3)(a) if the value of the acquisition or disposition exceeds \$50,000.

2014, c.E-13.1, s.31.

Regulations

32 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) providing for the payment to a minister of reasonable travelling and other expenses incurred by the minister in the discharge of his or her duties;
- (c) providing for the payment to a legislative secretary of reasonable travelling and other expenses incurred by the legislative secretary in the discharge of his or her duties:
 - (i) while away from Regina during a session of the Legislature; or
 - (ii) while away from his or her ordinary place of residence when the Legislature is not in session;
- (d) for the purposes of section 17, respecting the provision of financial assistance by a minister;

c. E-13.1 EXECUTIVE GOVERNMENT ADMINISTRATION

(e) determining that any of the provisions of sections 10 to 12 and 14 to 19 do not apply with respect to a minister or ministry or for any purpose that is specified;

(f) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2014, c.E-13.1, s.32.

PART VII

**Repeal, Transitional, Consequential and
Related Amendments, Coming into Force**

S.S. 1980-81, c.C-29.2 repealed

33 *The Consumer and Commercial Affairs Act* is repealed.

2014, c.E-13.1, s.33.

R.S.S. 1978, c.F-13 repealed

34 *The Federal-Provincial Agreements Act* is repealed.

2014, c.E-13.1, s.34.

S.S. 1986-87-88, c.G-5.1 repealed

35 *The Government Organization Act* is repealed.

2014, c.E-13.1, s.35.

S.S. 1991, c.T-1.1 repealed

36 *The Tabling of Documents Act, 1991* is repealed.

2014, c.E-13.1, s.36.

37 to 62 **Dispensed.** This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Coming into force

63 This Act comes into force on proclamation.

2014, c.E-13.1, s.63.