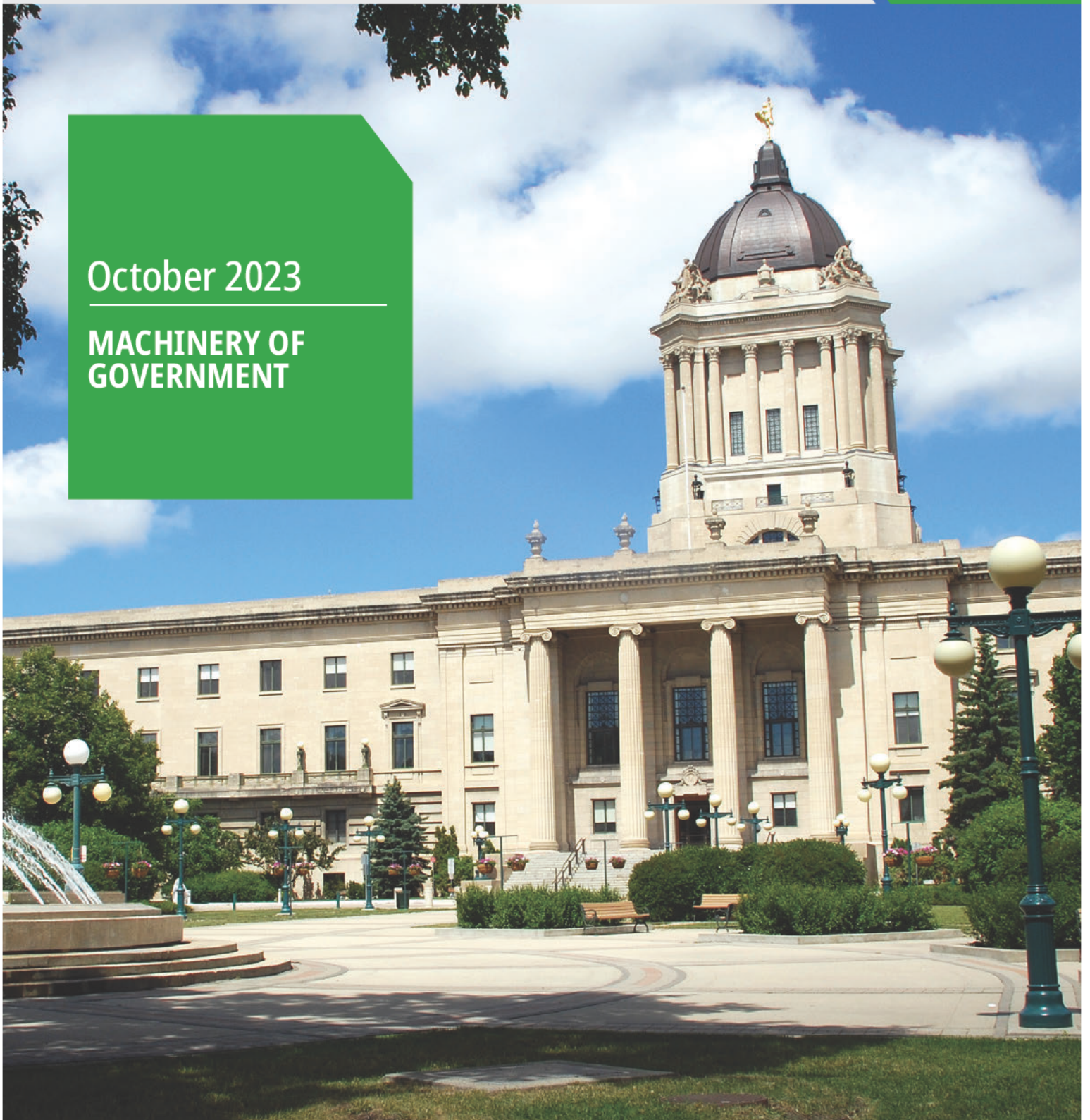


October 2023

**MACHINERY OF  
GOVERNMENT**



# Machinery of Government

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## The Westminster Parliamentary System of Government

The Westminster parliamentary system is a system of government used in many countries, including Canada and the province of Manitoba. The conventions that characterize this system provide the rules for forming government.

The most important convention is generally considered to be **Responsible Government**. In the Manitoba context, this means that “Cabinet” or the “Executive Branch of Government” must have confidence or support of the majority of Manitoba’s elected Legislative Assembly based on the principle that government derives its democratic legitimacy from the people who have elected them (even though the legal basis for government is the Crown). In practice, this means that the government must have the support of a majority of the elected members of the legislature in order to remain in power.

### **The Crown**

In Canada, the monarch serves as the head of state, but their involvement in the country's day-to-day governance is indirect. Instead, their role is largely ceremonial and is carried out on their behalf by a Governor General in the federal context and by a Lieutenant Governor (LG) at the provincial level.

By law, the LG holds the highest office in the province, representing The King as Head of State in Manitoba. This role is much different from the Premier, who is the Head of Government and the leader of the party with the most support in the Legislative Assembly of Manitoba.

By convention, the decisions of government are made by the Premier and Cabinet, rarely involving the LG in deliberations. The LG trusts the Premier as the Head of Government and does not intervene with their decisions. This arrangement allows for effective governance while respecting the ceremonial and symbolic functions of the monarchy.

### **Cabinet**

Cabinet is the highest decision-making body in the provincial government. It is referred to as the executive branch of government, which is headed by the Premier and often members of the legislative assembly that the Premier appoints, referred to as Ministers. The Premier and Ministers are appointed as members of Executive Council through an Order in Council, as per section 3(1) of The Executive Government Organization Act.

Each minister is a member of the Executive Council who is responsible for a specific government department or portfolio. Each minister oversees the operations and policies of their respective department, which may cover areas such as health, education, transportation, finance, justice, and more. Ministers are responsible for making decisions related to their portfolio, developing policies, allocating resources, and addressing issues and challenges within their areas of responsibility. As a collective Cabinet decides on the government's direction and is responsible for government policy.

Cabinet meets to make executive decisions in a number of defined areas including:

- The government's overall policies and priorities;
- Major policy issues;
- Spending proposals and financial commitments;
- Appointments to agencies, boards and commissions;
- Proposals for new legislation and regulations; and
- Any topic the Premier puts before it.

### **Cabinet Committees**

The Lieutenant Governor in Council, at the prerogative of the Premier, may establish Cabinet committees of the executive council, pursuant to section 7 of The Executive Government Organization Act. Cabinet committees are established to focus on specific areas or issues of importance, or around the broader functions of government activity (such as expenditure and administration), to guide the formulation of policies and strategies. These committees take shape under the umbrella of the executive branch of government and facilitate efficient decision-making.

Cabinet committees consist of ministers and also backbenchers, Members of the Legislative Assembly that are not members of Executive Council. These members are selected by the Premier, to provide comprehensive insight into the committee's subject matter. The committee's composition ensures diverse perspectives and informed discussions that lead to well-rounded decisions for Cabinet's confirmation.

### **Roles and Responsibilities of Cabinet Committees**

All Cabinet Committee decisions are reported to Cabinet for confirmation, and Cabinet as a whole retains the ultimate power of decision. Cabinet considers all committee decisions and can amend or ask any committee to consider a matter further.

Decisions taken by a Cabinet Committee may not be actioned until they are confirmed (or amended) by Cabinet. Specifically, Cabinet Committees must have their decisions approved by Cabinet.

Authority to act upon recommendations or decisions by a Cabinet Committee resides with Cabinet. Following the approval of Cabinet, Committees can then carry out their decisions and recommendation(s).

## **Structure of Government**

### **The Premier's Office**

The support to the Premier is buttressed by the policy advice and support of partisan political staff who occupy 'technical officer' positions in government.

The following outlines the functional areas of support as defined in recent administrations.

- **Principal Secretary**

*Technical Staff, appointment by Order-in-Council*

Typically a political appointment, the Principal Secretary is normally the secretary to the Policy and Planning Secretariat and/or committee of Cabinet and is the Premier's primary lead on matters of policy for the political arm of government.

- **Chief of Staff**

*Technical Staff, appointment by Order-in-Council*

The Chief of Staff is responsible for oversight of all political staff (including ministerial assistants/special assistants), managing the Senior Staff group, and managing the Premier's political priorities and timetables. The Chief of Staff is the Premier's primary liaison with the caucus, the party, and key external groups and individuals.

- **Communications and Stakeholder Relations**

*Technical Staff, appointment by Order-in-Council*

Typically staffed by political appointments, this office coordinates and manages communications from Cabinet. It works with the Communications and Engagement Division on high level messaging – i.e. budget, throne speech, and major government priorities. Communications and Stakeholder Relations also works directly with Ministers' offices to coordinate messaging on key press releases. The Director of Communications and Stakeholder Relations serves as the Premier's Press Secretary.

- **The Premier's Secretariat**

*Technical Staff, appointment by Order-in-Council*

The Premier's Secretariat is comprised of public servants, who are administrative staff, and political staff, who are responsible for managing the Premier's schedule, events, tours, correspondence, briefing materials, speech writing, and constituency issues. The Secretariat is also responsible for tracking and advising or briefing on issues that emerge from meetings with the Premier.

## **Executive Council**

The Executive Council is the central, senior executive authority in government. It is the Premier's Ministry – 'department of the premier'. Its mission is to support the Premier and Cabinet in fulfilling their commitments and undertakings. Within Executive Council, members from the public service work in tandem with the Premier's Office to support the Premier and Cabinet and the achievement of the government's priorities.

## **Clerk of the Executive Council**

The Clerk of the Executive Council ("the Clerk") has three principal roles:

- Deputy Minister to the Premier
- Cabinet Secretary
- Senior Deputy Minister and Head of the Public Service

While each of these roles is distinct, they are inter-connected and integral to supporting the Premier's leadership of Cabinet and the government.

As ***Deputy Minister to the Premier***, the Clerk meets regularly with the Premier to review ongoing administrative and policy matters and to offer non-partisan advice on the running of government, the development of government policies, the administrative requirements for implementing such policies, and the organization and operation of government decision-making processes. The Clerk plays a pivotal role in assisting the Premier in:

- Structuring cabinet committees
- Structuring department portfolios and departments
- Advising on senior public service appointments
- Leading the implementation of strategic priorities of the Premier.

As the premier's deputy minister, the Clerk plays an important role in transmitting directions from the premier and government to all deputy ministers in a cohesive, coordinated manner to ensure a strong whole-of-government approach. This leads to better accountability of deputy ministers and public servants towards the government of the day. Deputy Ministers regularly look to the Clerk for clarity on government priorities and decisions to ensure their own actions are consistent with government direction and ministerial accountability. Similarly, the Clerk plays an important role in transmitting public service views and advice to the Premier to ensure the premier is aware of issues, concerns, and advice.

This two-way transmittal role helps keep deputy ministers accountable to the Premier, their ministers, and the Clerk.

As **Cabinet Secretary**, the Clerk assists the Premier and Ministers in the organization and working of Cabinet and its committees for good governance and effective decision-making. Specifically, by ensuring:

- That Cabinet and its committees receive all relevant briefing materials, policy and program analyses, and technical or administrative reviews in a timely manner;
- That Ministers are privy to the relevant information for making executive decisions;
- That the flow of matters into and out of Cabinet and its committees is conducted in a smooth, accurate, and confidential manner; and
- That decisions of Cabinet and its committees are accurately conveyed via minutes to ministers and deputy ministers for execution as directed.

As **Senior Deputy Minister and Head of the Public Service**, the Clerk is responsible for the operation of the public service on behalf of the Premier. In this regard, the Clerk acts as a *bridge* between the Premier and the public service, communicating the broad direction of the elected government to the Deputy Ministers who must assist their Ministers in translating those directions into concrete action. The Clerk is involved in all major initiatives designed to improve the overall operational efficiency and effectiveness of the public service.

The Clerk also provides the necessary advice and coordination for activities surrounding the Order of Manitoba and serves as a member of the Advisory Committee of the Order of Manitoba.

### **Ministerial Office Staff**

Administrative staff in Ministerial offices (e.g., Correspondence Secretaries, Assistants to Ministers, Appointment Secretaries) are public servants whose experience and knowledge are critical to the effective operation of Minister Offices and departments. Although such staff may be reassigned to other roles within the public service at the convenience of government, it is recommended that consideration be given to some staff being retained in Ministers' Offices to orient and guide new staff as required.

## **Central Agencies, Departments, and Supporting Bodies**

### **Treasury Board Secretariat**

Situated within Manitoba Finance, the Treasury Board Secretariat provides financial and analytical support and advice to the Chair of Treasury Board (normally the Minister of Finance) and to Treasury Board in fulfilling expenditure management responsibilities.

Treasury Board is supported by a Secretariat staffed by civil servants who provide financial and analytical support and advice. This organization has been an independent secretariat since 1987/88 with a Deputy Minister as the Secretary to Treasury Board.

The major functions fulfilled by the Secretariat include:

- Administering central financing oversight to all government departments and reporting entities.
- Exercising strategic and executive leadership of the annual estimates, annual budget, quarterly forecast, summary accounting and financial reporting functions of the government as a whole, ensuring a current and accurate understanding of the financial condition of the Province. Planning and coordinating the summary budgetary process.
- Granting analytical support and recommendations to TBS in fulfilling its responsibilities for fiscal management, program, and organizational reviews.
- Strategically advising Cabinet, Treasury Board and the Clerk of Executive Council, and support the development and implementation of a financial policy framework for Government.
- Supporting Treasury Board and the Minister of Finance through agenda management, financial and analytical support and strategic management advice and communication of decisions to departments.
- Overseeing the Annual Report and Public Accounts of the Government of Manitoba.
- Implementing strategic initiatives and targeted program reviews
- Developing accounting, financial and administrative policy frameworks through the Financial Administration Manual and the General Manual of Administration.
- Providing an independent and objective analysis of governance, risk management and internal controls, including through the internal audit function.
- Proactively working with the Office of the Auditor General to establish a positive relationship and proactive reporting.

### **The Department of Finance**

The department is responsible for managing the province's fiscal and financial resources, allocating funds to other governmental departments, labour relations and employment standards, consumer protection, business services and promoting an open government and engaged Manitobans.

The department implements and manages effective financial, fiscal and economic policies, practices and services for Manitoba. It also manages financial and operational risks at a corporate level so that the value government obtains for money expended, and for revenues owing and received, is optimized.

### **The Regulatory Accountability Secretariat (RAS)**

Currently located within the responsibility of Justice, the Regulatory Accountability Secretariat (RAS) provides analytical and operational support to the Statutes and Regulations Review Board (Committee of Cabinet).

The secretariat is staffed by public servants who manage the tools used by government departments and agencies in the development of changes to statutes, regulations, policies and forms.

The major functions fulfilled by the Secretariat include:

- Managing the Manitoba Regulatory Accountability Database, a government-wide information and workflow management system, that is used to track and report on regulatory requirements as they are created, modified or removed;
- Coordinating the Manitoba Regulatory Consultation Portal, which provides an online platform where all proposed regulatory requirement changes can be posted for public comment and review before being implemented;
- Operating the Manitoba Forms and Policies Portal, which provides a single convenient online location to find all government forms and policies. The Portal complements the Manitoba Laws website, which provides a comprehensive listing of Manitoba's statutes and regulations;

### **Public Service Commission**

The Public Service Commission (PSC) provides human resource services and management for the Manitoba government consistent with the provisions of The Public Service Act. This organization reflects the consolidation of responsibility for the human resource function from departments to the PSC which occurred in 2010.

The Public Service Commissioner, who oversees the PSC, is appointed by OIC and reports formally to the Premier, the Minister responsible for the Civil Service, the Clerk of the Executive Council, and the Civil Service Commission Board. The Commissioner provides advice and supports the Clerk in senior management hiring including those of deputy ministers and assistant deputy ministers.

The Public Service Commission Board is responsible to apply and carry out The Public Service Act and regulations. The Board delegates the statutory authority to make staffing decisions and appointments. The purpose of this authority is to ensure that staffing actions undertaken respect the principles of The Public Service Act, or any legal



obligation, including respect for collective agreements. The Board hears appeals under The Public Service Act largely in relation to classification and selection matters.

In order to ensure objectivity of the Board members, once appointed, the members can only be removed by a two thirds vote of the Legislature. The Public Service Commissioner is a member of the Board.

### **Labour Relations and Collective Bargaining**

For core government, this division manages mandated collective bargaining and labour relations under government collective agreements and statutory processes.

For broader public sector compensation bargaining – where the vast majority of public sector workers are employed outside of core government – this division supports the Secretary to the Public Sector Compensation Committee of Cabinet, as bargaining mandate requests are assessed and determined. This broader public sector environment spans a multitude of employers in different settings and over 200 collective agreements (outside of core government).

### **Intergovernmental Affairs**

Intergovernmental Affairs (IGA) provides strategic advice, analysis, and support to the Premier of Manitoba on matters of intergovernmental and international significance to Manitoba. This includes matters concerning Manitoba's relationships with the federal government, other provincial and territorial governments, as well as on Manitoba's international relations, activities, and interests, including trade agreements.

Since the 1950's, the Premier of Manitoba has retained formal responsibility for both Federal-Provincial Relations and International Relations. Intergovernmental Affairs directly supports the Premier with his/her role in First Ministers' meetings, Council of the Federation meetings, the Western Premiers' Conference, bilateral meetings with the Prime Minister, federal Ministers, other Premiers, as well as meetings with United States state and federal administration and other international leaders.

IGA works closely with all departments on issues involving other governments to provide advice and support to advance Manitoba's domestic and international priorities. The objective is to support a strategic, whole-of-government approach that drives results by ensuring policies across departments advance and protect Manitoba's interests and objectives.

The department also promotes Manitoba's interests in the development of interprovincial/territorial positions and policies in cooperation with other provinces and territories, and in the development and implementation of certain pan-Canadian policies in cooperation with the federal government.

Intergovernmental Affairs is organized in three separate branches: Strategic Initiatives; Economic Growth Priorities; and Social, Environmental Issues and Oversight of Intergovernmental Agreements.

IGA provides direct support to the Premier as Minister of IGA by:

- Preparing briefings and staffing calls and meetings with other governments
- Engaging directly with other governments to communicate the premier's position or views
- Coordinating all ministerial and departmental engagements with the federal government in particular to ensure they represent current thinking and direction of the premier
- Preparing logistics for any IGA meeting or event at which the premier is participating.

### **Consumer Protection and Government Services**

The Department of Consumer Protection and Government Services to focus on modernization of government services including procurement, Information Technology (IT), and capital management with the mandate to be the service delivery organization for government.

### **Legislative Counsel**

Legislative Counsel, situated in the Department of Justice, prepares all Manitoba bills, acts and regulations in English and French as well as consolidations of current acts and regulations. The office also provides advice and assistance as the Law Officer of the Legislative Assembly in the manner contemplated by the Rules of the Assembly. Publishes acts and regulations on the Manitoba Laws website, and provides French translation services to the Legislative Assembly.

### **Legal Services Branch**

The Legal Services Branch, situated within the Department of Justice, functions as the law firm to the provincial government. It provides legal services to all government departments, agencies, boards, commissions, committees and government corporations that do not have their own legal counsel. The role of the Legal Services Branch flows from the constitutional and statutory responsibilities of the Attorney General as the chief legal advisor to government and the guardian of the public interest.

### **Protocol Office**

The Manitoba protocol office facilitates official visits to Manitoba; acts as Manitoba's principal point of contact for the numerous countries that comprise Winnipeg's Consular Corps; serves as the secretariat to the Order of Manitoba Advisory Council; provides event and travel support for the Premier's (or Deputy Premier's) office; provides logistical support for Cabinet Shuffles and ceremonial aspects of the Cabinet Swearing in event; and organizes ceremonial aspects of the Speech from the Throne Ceremony,

among other responsibilities. Formally with IGA, it is now situated in the Office of the Minister of Legislative and Public Affairs.

## **Deputy Ministers**

The highest ranking public servants, namely the Deputy Ministers and the Clerk of the Executive Council, are appointed by Order in Council.

Deputy Ministers are appointed on advice of the Clerk of the Executive Council.

The Deputy Minister is the principal source of support for a Minister in fulfilling his or her collective and individual responsibilities and respecting his or her accountability to the Legislature. In providing this support, the Deputy Minister is responsible for ensuring:

- Sound public service advice on policy development and implementation, both within the Minister's portfolio and with respect to the government's overall policy and legislative agenda;
- Effective departmental management, as well as advice on management of the Minister's entire portfolio; and
- Fulfilment of authorities that have been assigned to the Deputy Minister or other departmental officials either by the Minister or directly by virtue of legislation.

Deputy Ministers also have responsibilities related to the collective management of the government – ensuring a whole-of-government approach, which includes ensuring that appropriate interdepartmental consultation occurs on any matter that may touch upon broader Ministerial responsibilities.

Upon appointment, the Clerk sends a formal letter to the DM outlining the roles and responsibilities of a deputy minister and the expectations of the Clerk with respect to accountability and performance. A sample letter is attached as Appendix A.

## **Agencies, Boards and Commissions – Overview**

The Government of Manitoba makes appointments to a number of agencies, boards and commissions (ABCs). These are entities established by legislation to carry out a range of functions and services on behalf of government. These include councils, authorities, advisory bodies, funding bodies, professional organizations and quasi-judicial tribunals. While appointments to all ABCs are vetted by Cabinet, the appointment process to ABCs occur through an OIC or a ministerial order depending on the requirements in the statute that created the ABC.

Detailed descriptions of each ABC's responsibilities, skill requirements, membership composition, and the estimated time commitment required of board members, the location of meetings and the remuneration rate, where applicable, are provided online.

Applications and nominations for appointments remain on file for two years. The information is kept in a database and referred to when appropriate vacancies arise. The appointment process is an ongoing one, where specific qualifications, skills, experience, demographics and regional needs are considered for each vacancy.

All Ministerial and Order-in-Council appointments are required to obtain approval from the ABC Committee prior to seeking Cabinet approval. Cabinet approves all decisions regarding ABC appointments and re-appointments.

Currently, ABC appointments are vetted by an ABC secretariat housed within the Premier's Office. This ensures appropriate political direction for collecting and recommending names to Cabinet for approval. Support for on-boarding of appointees is more diffuse with responsibility split between the ABC secretariat and the ABC entity itself.

Please be advised that section 76.2(2)(a) of *The Freedom of Information and Protection of Privacy Act* (FIPPA) states the government must make available “within 60 days after a minister assumes office, the table of contents and index for the package of briefing materials that is prepared for a minister for the purpose of enabling the minister to assume the powers, duties and functions of their office”.

Therefore, the table of contents and index of this transition binder will be fully disclosed on InfoMB within 60 days of the minister assuming office.

Additionally, the remaining contents of the binder may be requested through an access to information request under FIPPA. In response to such a request, the binder will be disclosed subject to limited and specific exceptions to disclosure under FIPPA.