

TABLE OF CONTENTS

1. INTRODUCTION

1.1 Governor in Council Appointments Overview

2. DOCUMENTATION

2.1 Overview

2.2 Letter of Transmittal

2.3 Letter of Concurrence

2.4 Minister's Recommendation to the Governor General in Council

2.5 Draft Order in Council

2.6 Schedule

2.7 Certification Document

2.8 Curriculum Vitae/Resume

2.9 Personal Information Sheet

3. SUBMISSION CHECKLIST

4. COMING INTO FORCE OF ORDERS IN COUNCIL

5. DISTRIBUTION OF ORDERS IN COUNCIL FOLLOWING APPROVAL

6. WEB POSTING OF ORDERS IN COUNCIL

7. DOCUMENT/EXAMPLES

7.1 Letter of Transmittal

7.2 Ministerial Recommendation

7.3 Draft Order in Council

8. GLOSSARY

1. INTRODUCTION

The purpose of this guide is to provide Government of Canada officials with a better understanding of Governor in Council appointments and the guidelines to follow as they relate to submitting an appointment for Governor in Council approval.

1.1 Governor in Council Appointment Overview

Governor in Council appointments are made by the Governor General, on the advice of the Queen's Privy Council of Canada. The responsibilities of Governor in Council appointees cover a wide range such as making quasi-judicial decisions, providing advice and recommendations on socio-economic development issues, and managing Crown corporations.

The authority for most Governor in Council appointments is provided by statute. Statutory provisions with respect to the appointments vary greatly. In most cases, the statute specifies the appointment authority, the tenure and length of term of the appointment and, on occasion, the qualifications required.

Appointments are made by the Governor in Council through an Order in Council, which normally specifies the tenure of the appointment and the term of office.

Governor in Council appointees hold office either on a part-time or a full-time basis; however, most appointments are part-time (e.g. a director on a board of directors of a Crown corporation). The tenure of an appointee is either 'during pleasure' (may be removed at the discretion of the Governor in Council) or 'during good behaviour' (may only be removed for cause). The term of an appointment is either for a specific or an indeterminate period. When a specific period is indicated in the Order in Council, the appointment lapses at its expiration unless there is a legislative provision to the contrary. The appointee may be reappointed to the same position but, since appointments are made at the discretion of the Governor in Council, renewal is not automatic. In some cases, statutory provisions prohibit reappointment to the same position.

(Extract from: Governor in Council Appointments Guide, Senior Personnel and Special Projects Secretariat, Privy Council Office, Government of Canada, 2007, <http://www.appointments-nominations.gc.ca/prsnt.asp?page=gicgd&lang=eng>)

2. DOCUMENTATION

2.1 Overview

Officials from the sponsoring Minister's Office must consult with the Director of Appointments in the Prime Minister's Office prior to transmitting a recommendation for appointment to the Governor in Council. Officials preparing a recommendation must also consult their legal advisor to ensure that the recommendation meets the requirements of the law.

Conditions of employment and salary ranges may be obtained from the Senior Personnel Secretariat of the Privy Council Office.

The documentation for a submission to the Governor in Council as it relates to appointments typically consists of:

- a letter of transmittal (English or French);
- the recommendation to the Governor in Council (both official languages), signed and dated by the sponsoring Minister;
- the draft Order in Council (both official languages);
- the Schedule, if applicable (both official languages);
- a Certification Document;
- a current Curriculum Vitae (CV) or Resume of the nominee; and
- a Personal Information Sheet.

2.2 Letter of Transmittal

When sending a recommendation to the Governor in Council, the sponsoring department must submit a letter of transmittal to the Assistant Clerk of the Privy Council. The letter must:

- be signed by the responsible Assistant Deputy Minister (ADM) or, if the ADM is not available, the delegated Director General;
- specify any special instructions relating to the timing of approval of the appointment (e.g., an effective date in the Order or Schedule, the date of a Minister's announcement);
- indicate the name, title and telephone number of the most knowledgeable official in the department who can be contacted for additional information about the recommendation.

2.3 Letter of Concurrence

When an appointment is made with the concurrence of, or in consultation with, another organization or provincial body, a letter of concurrence must be included with the submission indicating that both parties are in accord with the appointment.

2.4 Minister's Recommendation to the Governor General in Council

The recommendation to the Governor in Council must:

clearly describe the action requested by the sponsoring Minister;
be signed and dated by the appropriate Minister in his/her legal capacity. In the absence of the sponsoring Minister, the recommendation can be signed by another Minister who has been authorized by Order in Council to sign on the sponsoring Minister's behalf, or by a Minister of State, on behalf of the appropriate Minister, who has been formally delegated signing authority for specific purposes by the appropriate Minister; and
be signed in both official languages and prepared on departmental or ministerial letterhead. (pages are to be numbered should the recommendation exceed one page).
be drafted in both official languages on standard size paper (8½" x 11").

To avoid any possibility of ambiguity or error, the signed recommendation must include:

the full name of the appointee;
the appointee's city and province of residence;
the name of the agency, board and/or commission and the title of the position to be filled;
a reference to the relevant legislation authorizing the appointment;
the proposed salary range (salary to be specified in the schedule, if applicable);
the tenure of the appointment (during pleasure, for specific term, etc.); and
the effective date of the appointment.

Where an appointment is purported to have been made by an agency, a board, or a commission or the Lieutenant Governor in Council, proof of the nomination signed by the appointing authority should accompany the recommendation.

2.5 Draft Order in Council

Officials preparing the draft Order in Council must consult their legal counsel to ensure that it meets the requirements of the enabling legislation. Officials should also consult precedents, using the Orders in Council Website (<http://www.pco-bcp.gc.ca/oic-ddc/>) and feel free to contact the Coordinator, Appointments and Special Events, Orders in Council Division, at (613) 957-5438.

The wording of the draft Order in Council is usually similar to that of the recommendation, with the exception that the former anticipates the action of the Governor in Council, acting on the Minister's recommendation.

The document is to be drafted in both official languages on standard size paper (8½" x 11").

2.6 Schedule

Schedules to appointment orders typically contain information such as: the specific salary of the appointee; living/travel expense allowances; termination allowances; registered pension plans and supplementary pension arrangements; effective dates and any other confidential information not contained in the order itself, as they apply. Schedules to appointments containing confidential information such as the ones listed above, are not released to the public.

The document is to be drafted in both official languages on standard size paper (8½" x 11").

2.7 Certification Document

The Certification document (available via the Senior Personnel and Special Projects, Privy Council Office, website) must be printed on standard size paper (8½" x 11"), signed and dated by the nominee. This document is used by the nominee to acknowledge the ethical and political activities guidelines for public office holders as a condition of their holding office in the Government of Canada. Once signed and dated by the nominee, the original document must be forwarded along with the submission to the Assistant Clerk of the Privy Council.

2.8 Curriculum Vitae/Resume

The Curriculum Vitae (CV) or Resume, describing the nominee's relevant work experience and educational background, must be drafted in either English or French on standard size paper (8½" x 11") and provided with the submission.

2.9 Personal Information Sheet

Available by contacting the Senior Personnel and Special Projects Secretariat, Privy Council Office, the Personal Information Sheet (document number PCO/BCP 120 (2007-07)) must be printed on standard size paper (8½" x 11"), completed and forwarded along with the submission package. This document is used to ensure that all the personal information is accurate and specifically identifies the level of bilingualism of the candidate.

3. SUBMISSION CHECKLISTS

Each submission should contain the following original documents plus copies as indicated.

NOTE: Unless specified otherwise, all documents are required in both official languages and must be prepared as separate versions, rather than in a side-by-side format. The complete package is to be addressed to the Assistant Clerk of the Privy Council.

Document	Original Document(s)	Photocopies
Letter of Transmittal	Original (English or French)	Two photocopies
Letter of Concurrence (if applicable)	One original	Two photocopies
Recommendation to the Governor in Council	Original, signed and dated, printed on the Minister's departmental stationery	Two photocopies
Draft Order in Council	One original + electronic version of the document.	Two photocopies
Schedule (if applicable)	One original	Two photocopies
Certification Document	Original signed and dated by nominee	Two photocopies
CV or Resume	One original	Two photocopies
Personal Information Sheet	One original	Two photocopies
CD or Diskette	One CD or diskette containing electronic versions of documents as outlined above.	None

4. COMING INTO FORCE OF ORDERS IN COUNCIL

- Orders come into force on the day they receive approval by the Governor in Council, unless they cite a subsequent effective date in the Order or schedule.
- Public announcement of the Government's decision as set out in the Order in Council must not be made until approval by the Governor in Council is obtained.
- Departments should work closely with the Communications and Consultation Secretariat of the Privy Council Office as it relates to announcements/Press releases of approved Orders in Council. When a press release of an Order in Council is to be issued on the same day as the Order is approved by the Governor in Council, the letter of transmittal to the Assistant Clerk of the Privy Council must indicate this fact, with the name of a contact person in the

department. Appropriate action will then be taken in order to obtain confirmation from Government House officials of the approved Order in Council as soon as reasonably possible. The department will be contacted immediately following final approval and the press release can then be issued accordingly.

5. DISTRIBUTION OF ORDERS IN COUNCIL FOLLOWING THEIR APPROVAL

- Copies of Orders in Council are typically mailed to sponsoring departments or agencies as soon as possible following their approval (often the next business day). One copy is addressed to the sponsoring Minister and the other to the Deputy Minister or agency head.
- In cases of urgency, or if a large number of copies of an Order in Council approved that same week by the Governor General is required, special arrangements to obtain copies of Orders in Council can be made with the Coordinator, Service to the Public and Conservation, Privy Council Office, at 613-957-5443, fax: (613) 957-5026.

6. WEB POSTING OF ORDERS IN COUNCIL

- Orders in Council are public documents and are usually available on the Orders in Council Website three working days after their approval. A listing of approved Orders (stating the Privy Council number, the sponsoring department, the relevant Act made thereunder, with a short précis of the item) is made available on the Orders in Council Website at: <http://www.pco-bcp.gc.ca/oic-ddc/OIC-DDC.asp?lang=EN>. For information on obtaining certified copies of Orders in Council, please visit the Orders in Council Website at: http://www.pcobcp.gc.ca/index.asp?lang=eng&page=secretariats&sub=oic-ddc&doc=oic-ddc_e.htm

7. DOCUMENT/EXAMPLES

7.1 Letter of Transmittal

(Departmental letterhead)

(Date)

Ms. Mary Pichette
Assistant Clerk of the Privy Council
Privy Council Office
Orders in Council Division
Langevin Block, Room 105
80 Wellington Street
Ottawa, Ontario
K1A 0A3

Dear Ms. Pichette:

Enclosed you will find a recommendation for approval at the next meeting of Cabinet, seeking Governor in Council approval of the appointment of *(Full Name of Nominee)*... of *(City)*, *(Province/State)*, as *(Position Title)* for a term of *XXX* years, effective *(month)*,*(day)*,*(year)*.

Then enclosed package includes

If additional information is required, please contact ... at

Yours sincerely,

(Signature)
Assistant Deputy Minister

7.2 Ministerial Recommendation

(Departmental or Ministerial letterhead)

(Date)

TO HER EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, pursuant to subsection 4(2) of the *Canada Council for the Arts Act*, appoint of Winnipeg, Manitoba, to be a member of the Canada Council for the Arts to hold office during pleasure for a term of three years.

Respectfully submitted,

(Signature)

Minister of

7.3 Draft Order in Council

Her Excellency the Governor General in Council, on the recommendation of the Minister of, pursuant to subsection of the *Act*, hereby appoints of Winnipeg, Manitoba, to be a member of the Canada Council for the Arts to hold office during pleasure for a term ofyears.

8. GLOSSARY

The following definitions are not to be considered official in any regard. They are provided solely for the purpose of facilitating users' understanding of the Guide.

Act - A law made by Parliament or a provincial legislature. The process of making an Act of Parliament begins with the introduction of a proposed act, or bill, in one of the two houses of Parliament (the Senate or the House of Commons). A bill becomes an act if it is passed (approved) by both Houses and receives royal assent.

Governor (General) in Council (GIC) - The Governor General of Canada acting by, and with the advice and consent of, the Queen's Privy Council for Canada (i.e., Cabinet).

Instrument of Advice - A letter from the Prime Minister to the Governor General recommending certain actions (e.g., cabinet shuffles, prorogation of Parliament).

Legislation - Written laws (Acts) made by Parliament or a provincial legislature or by a person or body that has law-making authority, usually delegated by Parliament or a legislature and exercised by making regulations or other delegated legislation.

Order in Council (OIC) - A legal instrument made by the Governor in Council pursuant to a statutory authority or, less frequently, the royal prerogative. All Orders in Council are made on the recommendation of the responsible Minister of the Crown and take legal effect only when signed by the Governor General.

Privy Council Office (PCO) – The Privy Council Office (PCO) provides essential advice and support to the Prime Minister and Cabinet. Its goal is to help the Government of Canada serve Canada and Canadians.

Statute - Another word for an Act of Parliament or some other legislature.