



BILL NO. 143

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

An Act Respecting Regulatory Accountability and Reporting in Nova Scotia

CHAPTER 35
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 18, 2015**

The Honourable Stephen McNeil
Minister of Regulatory Affairs and Service Effectiveness

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Regulatory Accountability and Reporting in Nova Scotia

WHEREAS the Government of Nova Scotia recognizes that the climate for economic growth and prosperity in the Province, including the productivity of its private and public sectors, is directly affected by the efficiency, transparency and accountability of regulation and the quality of regulatory governance;

AND WHEREAS the Government of Nova Scotia recognizes that regulation is essential to protect interests such as public health and safety, the environment, workers and consumers;

AND WHEREAS the Government of Nova Scotia endeavours to ensure that regulations are enacted only after full identification and examination of their impact and that they are not more broad, intrusive, complex or costly to citizens, businesses and other organizations than is necessary;

AND WHEREAS the Government of Nova Scotia is committed to improving the efficiency, transparency and accountability of regulation and, for that purpose, has created the Office of Regulatory Affairs and Service Effectiveness to lead the improvement of provincial and regional regulatory performance;

AND WHEREAS the Governments of Nova Scotia, New Brunswick and Prince Edward Island have entered into an agreement dated November 6, 2015, under which they have established and become partners in a joint Regulatory and Service Effectiveness Office, comprising Nova Scotia's Office of Regulatory Affairs and Service Effectiveness and its counterparts in New Brunswick and Prince Edward Island;

AND WHEREAS the purpose of the Joint Office is to take action on opportunities for regional regulatory reform among the governments of the three provinces and such other governments as may, from time to time, agree to become partners in the Joint Office;

THEREFORE be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Regulatory Accountability and Reporting Act*.
- 2** In this Act,
 - (a) "Charter" means the Charter of Governing Principles established under this Act;
 - (b) "Joint Office" means the joint Regulatory and Service Effectiveness Office established by agreement between the Government of the Province and the Governments of New Brunswick and of Prince Edward Island, and with such other governments as may, from time to time, partner in it;
 - (c) "Minister" means the Minister of Regulatory Affairs and Service Effectiveness;

(d) "Office" means the Office of Regulatory Affairs and Service Effectiveness created pursuant to the *Public Service Act*;

(e) "regulation" includes

(i) a statutory, regulatory, procedural or administrative rule or other requirement governing citizens, businesses or other organizations, and

(ii) a regulation within the meaning of the *Regulations Act*;

(f) "regulatory governance" includes the principles, processes, procedures and practices by which regulation is developed, assessed, proposed, scrutinized, measured and monitored for impact and publicly reported on.

3 (1) The Minister may adopt a Charter of Governing Principles for Regulation to promote sound regulatory governance.

(2) The Charter must include principles that the Minister believes, based on the advice of the Office, will further the purpose of this Act and reflect best practice in regulatory governance.

4 (1) The Office shall oversee, monitor and, in accordance with this Act, report on the application of the Charter.

(2) The Office shall advise and assist the Minister and departments, offices and agencies of the Government of the Province in achieving the purpose of this Act and the Charter.

5 (1) The Minister shall, on or before June 30th of each year, make available to the public an annual report with respect to the work of the Office, including

(a) the progress made in improving regulation and reducing regulatory burden; and

(b) the goals and objectives of the Office for the coming year.

(2) The report may be presented as part of a report by the Joint Office on regional regulatory reform.

6 (1) The Minister may make regulations

(a) respecting the form, publication and contents of the annual report referred to in Section 5;

(b) respecting the responsibilities and duties of the Office;

(c) respecting principles, practices, procedures, measures, targets, goals or other requirements, the adoption of which, in the opinion of the Minister, is necessary or desirable for ensuring the efficiency, accountability or transparency of regulation and good regulatory practice and governance;

(d) classifying regulations and prescribing different requirements by class for the purpose of this Act;

- (e) requiring that a class or classes of regulations proposed to be adopted and affecting business come into force on a common designated date or dates each year;
- (f) excluding any class, form or type of regulation from the scope of application of this Act;
- (g) defining any word or expression used but not defined in this Act;
- (h) further defining any word or expression defined in this Act;
- (i) respecting any other matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

7 For greater certainty, nothing in this Act

- (a) creates a right of action; or
- (b) entitles a person to commence a legal proceeding or affects any legal proceeding.

8 No regulation is of no legal force or effect by reason only that it does not comply with the principles set out in this Act or the Charter.

9 (1) Within three years of this Act coming into force, a comprehensive review of the Office and the provisions and operation of this Act must be undertaken as determined by the Minister.

(2) The Minister shall, within a year after the review is undertaken or within such further time as may be authorized by the House of Assembly, submit a report on the review to the House, including a statement of any changes that the Minister recommends.

10 This Act ceases to have effect on the fifth anniversary of its coming into force unless otherwise determined by the House of Assembly by resolution.
