



# **BILL NO. 50**

*Government Bill*

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*3rd Session, 63rd General Assembly  
Nova Scotia  
70 Elizabeth II, 2021*

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**An Act to Amend Chapter 18  
of the Acts of 1998,  
the Municipal Government Act,  
and Chapter 39 of the Acts of 2008,  
the Halifax Regional Municipality Charter,  
Respecting Codes of Conduct**

CHAPTER 13  
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 19, 2021**

The Honourable Brendan Maguire  
*Minister of Municipal Affairs*

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

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**An Act to Amend Chapter 18  
of the Acts of 1998,  
the Municipal Government Act,  
and Chapter 39 of the Acts of 2008,  
the Halifax Regional Municipality Charter,  
Respecting Codes of Conduct**

Be it enacted by the Governor and Assembly as follows:

MUNICIPAL GOVERNMENT ACT

**1 (1) Subsection 22(2) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by adding immediately after clause (d) the following clause:**

(da) alleged breaches of the municipality's code of conduct;

**(2) Subsection 22(4) of Chapter 18 is repealed and the following subsection substituted:**

(4) Where the council meets in closed session, a record must be made that is open to the public setting out only

- (a) the fact that council met in closed session;
- (b) the type of matter that was discussed, as set out in subsection (2);
- (c) where the matter discussed relates to alleged breaches of the municipality's code of conduct, the recommendations of any report made under subsection 23C(2); and
- (d) the date of the meeting.

**2 Subsection 23A(2) of Chapter 18, as enacted by Chapter 13 of the Acts of 2017, is amended by adding immediately after clause (a) the following clause:**

(aa) consist of the model code of conduct prescribed by the regulations, if one has been prescribed;

**3 Chapter 18 is further amended by adding immediately after Section 23B the following Sections:**

23C (1) Each municipality shall appoint a person or entity other than a council member or an employee of the municipality to receive and investigate complaints regarding alleged breaches of the municipality's code of conduct.

(2) Subject to subsection (3), the person or entity appointed by the municipality shall present a report on the investigation of a complaint to council, which must include a recommendation regarding the validity of the complaint and, where applicable, a recommendation regarding an appropriate sanction.

(3) Where the person or entity appointed by the municipality determines that a complaint regarding an alleged breach of the municipality's code of conduct is frivolous or vexatious, the person or entity may dismiss the complaint.

23D Where the council determines that a person has breached the municipality's code of conduct, the council may impose a sanction prescribed by the regulations.

**4 Subsection 408AB(2) of Chapter 18, as enacted by Chapter 13 of the Acts of 2017, is amended by adding immediately after clause (a) the following clause:**

(aa) consist of the model code of conduct prescribed by the regulations, if one has been prescribed;

**5 Chapter 18 is further amended by adding immediately after Section 408AC the following Sections:**

408AD (1) Each village shall appoint a person or entity other than a village commissioner or an employee of the village to receive and investigate complaints regarding alleged breaches of the village's code of conduct.

(2) Subject to subsection (3), the person or entity appointed by the village shall present a report on the investigation of a complaint to the village commission, which must include a recommendation regarding the validity of the complaint and, where applicable, a recommendation regarding an appropriate sanction.

(3) Where the person or entity appointed by the village determines that a complaint regarding an alleged breach of the village's code of conduct is frivolous or vexatious, the person or entity may dismiss the complaint.

408AE Where the village commission determines that a person has breached the village's code of conduct, the village commission may impose a sanction prescribed by the regulations.

**6 (1) Subsection 408B(2) of Chapter 18, as enacted by Chapter 21 of the Acts of 2014, is amended by adding immediately after clause (d) the following clause:**

(da) alleged breaches of the village's code of conduct;

**(2) Subsection 408B(4) of Chapter 18 is repealed and the following subsection substituted:**

(4) Where the village commission meets in closed session, a record must be made that is open to the public setting out only

- (a) the fact that the village commission met in closed session;
- (b) the type of matter that was discussed, as set out in subsection (2);
- (c) where the matter discussed relates to alleged breaches of the village's code of conduct, the recommendations of any report made under subsection 408AD(2); and
- (d) the date of the meeting.

**7 Subsection 520 of Chapter 18, as amended by Chapter 13 of the Acts of 2017, is further amended by**

- (a) adding “, but not limited to,” immediately after “including” in the second line of clause (cd);**
- (b) striking out “and” at the end of subclause (cd)(vi);**
- (c) striking out the semicolon immediately after subclause (cd)(vii) and substituting a comma;**
- (d) adding immediately after subclause (cd)(vii) the following subclauses:**
  - (viii) compliance investigation, and
  - (ix) enforcement;

**and**

- (e) adding immediately after clause (cd) the following clauses:**
  - (ce) prescribing a model code of conduct for municipalities;
  - (cf) prescribing a model code of conduct for villages;
  - (cg) prescribing the sanctions that a council may impose for a breach of the code of conduct adopted by the municipality;
  - (ch) prescribing the sanctions that a village commission may impose for a breach of the code of conduct adopted by the village;
  - (ci) prescribing the period within which a code of conduct must be adopted by a municipality or village;

#### HALIFAX REGIONAL MUNICIPALITY CHARTER

**8 (1) Subsection 19(2) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, as amended by Chapter 16 of the Acts of 2014, is further amended by adding immediately after clause (d) the following clause:**

- (da) alleged breaches of the Municipality’s code of conduct;

**(2) Subsection 19(4) of Chapter 39 is repealed and the following subsection substituted:**

- (4) Where the Council meets in closed session, a record must be made that is open to the public setting out only
  - (a) the fact that the Council met in closed session;
  - (b) the type of matter that was discussed, as set out in subsection (2);
  - (c) where the matter discussed relates to alleged breaches of the Municipality’s code of conduct, the recommendations of any report made under subsection 20C(2); and
  - (d) the date of the meeting.

**9 Subsection 20A(2) of Chapter 39, as enacted by Chapter 13 of the Acts of 2017, is amended by adding immediately after clause (a) the following clause:**

(aa) consist of the model code of conduct prescribed by the regulations, if one has been prescribed;

**10 Chapter 39 is further amended by adding immediately after Section 20B the following Sections:**

20C (1) The Municipality shall appoint a person or entity other than a Council member or an employee of the Municipality to receive and investigate complaints regarding alleged breaches of the Municipality's code of conduct.

(2) Subject to subsection (3), the person or entity appointed by the Municipality shall present a report on the investigation of a complaint to the Council, which must include a recommendation regarding the validity of the complaint and, where applicable, a recommendation regarding an appropriate sanction.

(3) Where the person or entity appointed by the Municipality determines that a complaint regarding an alleged breach of the Municipality's code of conduct is frivolous or vexatious, the person or entity may dismiss the complaint.

20D Where the Council determines that a person has breached the Municipality's code of conduct, the Council may impose a sanction prescribed by the regulations.

**11 Subsection 383(1) of Chapter 39, as amended by Chapter 13 of the Acts of 2017, is further amended by**

**(a) striking out clause (ca) and substituting the following clause:**

(ca) prescribing positions in respect of which the holder is a reportable individual;

**(b) adding “, but not limited to,” immediately after “including” in the second line of clause (cd);**

**(c) striking out “and” at the end of subclause (cd)(vi);**

**(d) striking out the semicolon immediately after subclause (cd)(vii) and substituting a comma;**

**(e) adding immediately after subclause (cd)(vii) the following subclauses:**

(viii) compliance investigation, and

(ix) enforcement;

**and**

**(f) adding immediately after clause (cd) the following clauses:**

(ce) prescribing a model code of conduct for the Municipality;

(cf) prescribing the sanctions that the Council may impose for a breach of the code of conduct adopted by the Municipality;

(cg) prescribing the period within which a code of conduct must be adopted by the Municipality;

EFFECTIVE DATE

**12** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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