

Modernizing Legislation – for today's communities

Local Governance Legislation:

There have been laws governing community affairs in New Brunswick for more than 100 years. In more recent times, the legislation which first comes to mind when we think of local governance is the *Municipalities Act*. The current version of the Act came into force in 1967.

While this Act does form the centerpiece of local governance legislation, it is just one among many pieces of legislation that affect Municipalities, Rural Communities, and Local Service Districts. The Department of Local Government has responsibility for 14 Acts as well as sections of eight other provincial Acts administered by other departments. Each of these Acts is supported by regulations which provide specific guidance for subjects covered in these Acts. To provide a sense of the scope of this body of legislation, there are 28 regulations under the *Municipalities Act* alone.

Across the provincial government, there are many other Acts and regulations which relate to or set out requirements for communities, including the *Community Planning Act*, the *Real Property Tax Act*, and the *Fire Prevention Act* among others.

What modernization means:

Local councils and the staff which support them are tasked with providing local services to citizens and are both responsible and accountable for managing community affairs. However, much of the current provincial legislation which provides the legal framework for governing communities is written in a way which can place limitations on local decision-making, sometimes affecting the ability to govern effectively.

The challenges can include the legal language itself, which can be difficult for those outside the legal profession to interpret. The way legislation is organized, especially if many sections have been added or modified over many years, can make it difficult to follow the inter-connectivity between areas within a single Act or among a number of Acts.

One of the major differences between older and more modern legislation is the way in which legal authority is provided. In Municipalities and Rural Communities, local requirements are set out in by-laws. These by-laws must have legal authority to be enforced, and that authority comes from provincial legislation. Newer legislation provides broad categories of authority for communities rather than specifying everything a community can or cannot do. This is often referred to as 'permissive' rather than 'prescriptive' legislation, and places greater emphasis on local decision-making and responsibility. Modern legislation also typically enables communities to be more responsive to citizens' needs in a more timely fashion.

One of the most important aspects of legislative modernization is developing law that all sizes of communities can benefit from. It requires creating a 'menu' of authorities which each incorporated community can draw from according to local needs and capacity. It also includes updating the legislation which governs local service districts, to reflect modern governance.

Under a new local governance system, Government will be working to create modernized legislation that supports increased and improved local and regional decision-making, service delivery, and accountability, and that is easier to understand and comply with.

For more information, visit: www.gnb.ca/localgovernment