

CARRIED
Hon. Brendan Maguire
March 20, 2025
CWHB, Bill 1,
Clause 13

Bill #1
An Act Respecting Government Organization and Administration

CHANGES RECOMMENDED TO THE
COMMITTEE OF THE WHOLE HOUSE ON BILLS
BY THE PREMIER

EXECUTIVE COUNCIL ACT

PAGE 5, Clause 13 - add "(1)" immediately after the Clause number and add:

(2) Subsection 6(3) of Chapter 155, as amended by Chapter 2 of the Acts of 2010, is further amended by striking out "in monthly instalments".

PAGE 5, Clause 15, proposed subsection 9A(3) - delete "in monthly instalments".

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

PAGE 6, Clause 16, proposed clause 6(1)(b) - delete "as to time, place and event" and substitute "and making reasonable efforts to list particulars, such as time, place, event and subject,".

PAGE 6, Clause 16, proposed subsection 6(2) - delete "as to time, place and event" and substitute "and making reasonable efforts to list particulars, such as time, place, event and subject,".

PAGE 6, Clause 16, proposed clause 6(3) - add "with reasonable efforts to list particulars, such as time, place, event and subject" immediately after "records" the second time it appears.

PAGE 6, Clause 16, proposed Section 6 - add immediately after proposed subsection 6(3) the following proposed subsection:

(4) The applicant may ask to examine the record or ask for a copy of the record.

PAGE 6, Clause 16, proposed subsection 6A(2) - add "apply to the Review Officer for approval to" immediately after "may".

PAGE 6, Clause 16, proposed clause 6A(2)(d) - add "and the requests are repetitious or systematic in nature" immediately after "body".

PAGE 6, Clause 16, proposed Section 6B - delete "A decision under Section 6A" and substitute "An application under subsection 6A(2)".

PAGE 7, Clause 16, proposed Section 6C - delete and substitute:

6C The Review Officer shall, within fourteen days after receiving a application under Section 6A, decide whether to approve the application and provide a written report of the Review Officer's decision to the head of the public body.

6D Where the Review Officer does not approve an application under Section 6A, the head of the public body shall respond to the requests for access in the manner required by this Act.

6E Where the Review Officer approves an application under Section 6A, the head of the public body shall notify the applicant

- (a) that applicant's requests are disregarded and the reason;
- (b) that the Review Officer has approved the decision of the head of the public body to disregard the requests; and
- (c) that the applicant may appeal the decision of the head of the public body to the Supreme Court pursuant to Section 41.

PAGE 7, Clause 17, proposed Section 9A - delete and substitute:

9A The calculation of time within which an action must be taken by the head of a public body under Section 6A, 7, 9 or 25A is suspended during the periods between

- (a) when an application for approval is made to the Review Officer under Section 6A and when the Review Officer provides a written report to the head of the public body under Section 6C;
- (b) when an application for approval is made to the Review Officer under Section 25A and when the Review Officer provides a written report to the head of the public body under Section 25C; and
- (c) when a request for review is filed with the Review Officer under Section 34 and when the Review Officer provides a written report to the head of the public body or otherwise disposes of the review.

PAGE 7, Clause 18, proposed Section 25A - add "apply to the Review Officer for approval to" immediately after "may".

PAGE 7, Clause 18, proposed clause 25A(d) - add "and the requests are repetitious or systematic in nature" immediately after "body".

PAGE 7, Clause 18, proposed Section 25B - delete "Decisions" and substitute "An application".

PAGE 7, Clause 18 - add after proposed Section 25B the following proposed Sections:

25C The Review Officer shall, within fourteen days after receiving an application under Section 25A, decide whether to approve the application and provide a written report of the Review Officer's decision to the head of the public body.

25D Where the Review Officer does not approve an application under Section 25A, the head of the public body shall respond to the requests in the manner required by this Act.

25E Where the Review Officer approves an application under Section 25A, the head of the public body shall notify the applicant

- (a) that requests are disregarded and the reason;
- (b) that the Review Officer has approved the decision of the head of the public body to disregard the requests; and
- (c) that the applicant may appeal the decision of the head of the public body to the Supreme Court pursuant to Section 41.

PAGE 9, Clause 21 - delete "6A, 31D or 40" and substitute "6E, 25E or 40".

HOUSE OF ASSEMBLY ACT

PAGE 9, Clause 22 - delete "(1992) Supplement) of the Revised Statutes, 1989, the *House of Assembly Act*,".

PAGE 9 - add immediately before Clause 22 (which will be renumbered):

22 Clause 2(1)(ea) of Chapter 1 of the Revised Statutes, 1989, the *House of Assembly Act*, as enacted by Chapter 36 of the Acts of 2014, is amended by striking out "one hundred" and substituting "fifty".

PAGE 9, Clause 24- renumber subclause (3) as (5) and add immediately after subclause (2):

(3) Subsection 42(3) of Chapter 1, as amended by Chapter 2 of the Acts of 2010 and Chapter 6 of the Acts of 2017, is further amended by striking out ", payable in monthly instalments,".

(4) Subsection 42(4) of Chapter 1, as amended by Chapter 2 of the Acts of 2010 and Chapter 6 of the Acts of 2017, is further amended by striking out ", payable in monthly instalments,".

MEMBERS' RETIRING ALLOWANCES ACT

PAGE 11 - add immediately after Clause 26 the following Clause:

27 Section 6 of Chapter 282, as amended by Chapter 29 of the Acts of 1993, Chapter 2 of the Acts of 2010 and Chapter 34 of the Acts of 2014, is further amended by striking out "eight per cent" wherever it appears and substituting "ten per cent".

PAGE 11, Clause 27

(a) add (2) immediately after the Clause number and add immediately before subclause (2) the following subclause:

(1) Subsection 8(2) of Chapter 282, as amended by Chapter 2 of the Acts of 2010, is further amended by striking out "eight per cent" and substituting "ten per cent".

(b) **subclause (2), proposed subsection 8(3)** - delete "eight per cent" and substitute "ten per cent".

MUNICIPAL GOVERNMENT ACT

PAGE 11, Clause 29 - delete and substitute

29 Section 466 of the Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is repealed and the following Section substituted:

466 (1) A person may obtain access to a record by

(a) making a request in writing to the municipality that has the custody or control of the record;

(b) specifying the topic or issue of the requested record with sufficient particulars and making reasonable efforts to list particulars, such as time, place, event and subject, to enable an individual familiar with the topic or issue to identify the record; and

(c) paying any fees required pursuant to this Part.

(2) The applicant may ask to examine the record or ask for a copy of the record.

(3) For greater certainty, a request for access to a record must specify the record requested or, where the record in which the relevant information may be contained is not known to the applicant, provide sufficient particulars and make reasonable efforts to list particulars, such as time, place, event and subject, to enable an individual familiar with the topic or issue to identify the requested record.

(4) For greater certainty, where a request is made for records in the form of electronic mail written by a person or between persons, the request must specify the topic or issue of the requested records, and make reasonable efforts to list particulars, such as time, place, event and subject.

PAGE 12, Clause 30, proposed subsection 466A(2) - delete "to which one or more requests for access are made under subsection 466(1) may disregard the requests if the head" and substitute "may apply to the review officer for approval to disregard one or more requests for access if the responsible officer".

PAGE 12, Clause 30, proposed clause 466A(2)(d) - add "and the requests are repetitious or systematic in nature" immediately after "municipality".

PAGE 12, Clause 30 - delete proposed Sections 466B and 466C and substitute:

466B An application under subsection 466A(2) must be made within fourteen days of the receipt of a request for access.

466C The review officer shall, within fourteen days after receiving an application under Section 466A, decide whether to approve the application and provide a written report of the review officer's decision to the head of the public body.

466D Where the review officer does not approve the application under Section 466A, the responsible officer shall respond to the requests for access in the manner required by this Act.

466E Where the review officer approves an application under Section 466A, the responsible officer shall notify the applicant

- (a) that requests are disregarded and the reason;
- (b) that the review officer has approved the decision of the responsible officer to disregard the requests; and
- (c) that the applicant may appeal the decision of the responsible officer to the Supreme Court pursuant to Section 494.

PAGES 12 AND 13, Clause 31, proposed Section 469A - delete and substitute:

469A The calculation of time within which an action must be taken by the responsible officer under Section 466A, 467, 469 or 484A is suspended during the periods between

- (a) when an application for approval is made to the review officer under Section 466A and when the review officer provides a written report to the responsible officer under Section 466C;
- (b) when an application for approval is made to the review officer under Section 484A and when the review officer provides a written report to the responsible officer under Section 484C;
- (c) when a request for review is filed with a review officer under Section 487 and when the review officer provides a written report to the responsible officer or otherwise disposes of the review; and
- (d) when a notice of appeal is received by the responsible officer pursuant to Section 494 and when the Supreme Court of Nova Scotia provides a copy of its decision to the responsible officer.

PAGE 13, Clause 32, proposed Sections 484A and 484B - delete and substitute:

484A The responsible officer may apply to the review officer for approval to disregard one or more requests for correction of the applicant's personal information if the responsible officer is of the opinion that

- (a) the requests are trivial, frivolous or vexatious;
- (b) the personal information has already been corrected;
- (c) the requests amount to an abuse of the right to make a request because they are
 - (i) unduly repetitive or systematic,
 - (ii) excessively broad or incomprehensible, or
 - (iii) otherwise not made in good faith; or
- (d) responding to the requests would unreasonably interfere with the operations of the municipality and the requests are repetitious or systematic in nature.

484B An application under Section 484A must be made within fourteen days of the receipt of a request for correction.

484C The review officer shall, within fourteen days after receiving an application under Section 484A, decide whether to approve the application and provide a written report of the Review Officer's decision to the head of the public body.

484D Where the review officer does not approve an application under Section 484A, the responsible officer shall respond to the requests in the manner required by this Act.

484E Where the review officer approves an application under Section 484A, the responsible officer shall notify the applicant

- (a) that applicant's requests are disregarded and the reason;
- (b) that the review officer has approved the decision of the responsible officer to disregard the requests; and
- (c) that the applicant may appeal the decision of the responsible officer to the Supreme Court pursuant to Section 494.

484F The review officer may, at any stage of a review, refuse to conduct the review or discontinue the review for any reason the review officer considers proper or necessary, including if the review officer is of the opinion that

- (a) the municipality has responded adequately to the matter;
- (b) the matter has been or could be more appropriately dealt with, initially or completely, by means of a procedure other than a complaint or review under this Act;
- (c) there is insufficient evidence to warrant a review;
- (d) the review is trivial, frivolous or vexatious or is made in bad faith;
- (e) the subject-matter of the review is already the object of an ongoing review; or
- (f) the subject-matter of the review has already been addressed by the review officer.

484G Upon the review officer making a decision under Section 484F, the review officer shall notify the applicant

- (a) that the review officer has refused to conduct the review or discontinued the review, as the case may be, and the reason; and
- (b) inform the applicant that the applicant may file a request for judicial review with the Supreme Court respecting the decision.

PAGES 13 AND 14, Clause 33 - delete and substitute:

33 Subsection 494(1) of Chapter 18, as amended by Chapter 55 of the Acts of 2005, is further amended by adding "under Section 466E, 484E or 493" immediately after "decision" the first time it appears.

EFFECTIVE DATE

PAGE 24, Clause 68 - add immediately after subclause (2):

- (3) Section 22 has effect on and after April 1, 2025.

Update Clause numbers and cross-references accordingly.

