

AUG 30 2022

CIRCULAR TO MUNICIPALITIES

**MUNICIPAL CONDUCT ACT, MUNICIPAL CONDUCT REGULATIONS
MUNICIPAL CONDUCT TEMPLATES**

Update September 2022

In the Fall 2021 session of the House of Assembly, new legislation was introduced called the **Municipal Conduct Act** (the Act). The Act was proclaimed and will come into legal effect on September 1, 2022. The new Act governs conflict of interest, ethical behavior and professional conduct for municipalities. The legislation defines what constitutes a conflict of interest, and introduces a common set of rules for all municipalities regarding conflict of interest. The legislation requires municipalities to establish codes of conduct for all municipal officials, including one for council members; and one for employees, fire department personnel and anyone acting on behalf of a municipality in an official capacity. As well, the Act introduces mandatory code of conduct and orientation training for councillors and senior staff to increase professionalism in municipalities.

<https://www.assembly.nl.ca/HouseBusiness/Bills/ga50session1/bill2137.htm>

The **Municipal Conduct Regulations** (the Regulations), established under the Act, will also come into legal force on September 1, 2022. The Regulations provides definitions with respect to investigations, information regarding the code of conduct and timelines for mandatory orientation training.

https://www.gov.nl.ca/dgsnl/files/NLG20220829_EXTRA.pdf

Next steps:

As per the Act, municipalities are required to establish a Code of Conduct that applies to all councilors and a Code of Conduct for municipal officials. A Code of Conduct must be adopted within six months (on or before March 1, 2023). Attached to this circular are Code of Conduct templates for developing Code of Conducts. There are two sample templates; one for municipal councilors and one for municipal staff. Municipalities may also choose to develop their own Codes of Conduct; however, the templates provided are fully compliant with the legislation.

As per the Act, a municipality is required to arrange training relating to the Code of Conduct for councilors and staff within three months (on or before June 1, 2023) of the establishment of the Codes of Conduct. As well, a municipality shall arrange training relating to the Code of Conduct for councilors within three months of councilor being elected and the councilor shall attend the training. A councillor who does not attend the training within the time period shall not carry out a power, duty or function as a councillor until the training has been completed.

As per the Act and Regulations, councillors and chief administrative officers, as defined in the Act, are required to complete the following mandatory training:

- roles and responsibilities of councillors and chief administrative officers;
- meetings and procedures of council;
- budgets and financial management;
- information related to access to information and protection of privacy; and
- conflicts of interest.

Councillors and chief administrator officers shall complete mandatory orientation training within one year of the Act coming into force (September 1, 2023), or 60 days of being sworn or affirmed into office. As per subsection 21(3) of the Act, a councillor or chief administrative officer who does not attend the orientation training within the time period prescribed shall not carry out a power, duty or function as a councillor or chief administrative officer until the training has been completed. If training is not completed, duties cannot be carried out. In anticipation of the Act and Regulations coming into effect, the Department of Municipal and Provincial Affairs is developing training materials. Additional information on training will be made available in the near future.

The Department will be providing information and training sessions with respect to codes of conduct and mandatory training. A circular regarding information and training sessions will be provided in the near future. If you have questions regarding training, please contact Kim MacPherson, Manager of Municipal Training Programs at 729-2086 or e-mail KimMacPherson@gov.nl.ca

If you require additional information or support, please contact your local Regional office.

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Attachments