

# The ENR Legislative Process for Regulations

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## IDENTIFICATION OF NEED



1. Minister of Environment and Natural Resources (ENR) identifies need or direction to create or amend a Regulation; this identification can also come from external agencies.
2. Policy and Strategic Planning (PSP) assists division/region in preparing information to gain ENR Legislative Committee approval. This includes such things as legal advice, cross-jurisdictional research, and clarification of potential regulatory gaps.
3. Division/region prepares presentation and briefing note on regulatory proposal or amendment for ENR Legislative Committee. ENR Legislative Committee either approves the proposed Regulation or amendment or suggests revisions in the proposal.

## ASSIGNMENT OF DRAFTER



4. PSP works with division/region to develop drafting instructions and contacts the Department of Justice (DOJ) to assign a legislative drafter.
5. If collaboration and engagement are required prior to drafting regulations, the division/region proceeds to the “Collaboration & Engagement” step. If collaboration and engagement are not required prior to drafting, draft regulations are developed at this stage.

## COLLABORATION & ENGAGEMENT

6. Depending on the nature of the project, collaboration and engagement may occur with Aboriginal governments and other stakeholders before or after draft Regulations are developed. Time frame for this step varies depending on nature of proposed Regulation or amendment and extent of potential infringement on Aboriginal and treaty rights.

### Internal Engagement

#### GNWT Departments:

- Verbal
- Conceptual (i.e. we're thinking about...)
- Highlight potential gaps or points of interest
- Filter out approaches that may not be practically implemented or that may be inconsistent with other GNWT initiatives

### External Engagement

#### Affected stakeholders:

- Verbal
- Conceptual
- Formal public engagement document
- Highlight potential gaps or points of interest
- Depending on the nature of the Regulation/amendment may establish and participate in a Stakeholders advisory group

### External Consultation

#### Aboriginal Groups & Boards:

- Verbal
- Conceptual
- Identification of need for s. 35 Consultation
- Highlight potential gaps or points of interest
- Depending on the nature of the Regulation/amendment may establish and participate in an Aboriginal working group for collaboration

## CREATION OF DRAFT REGULATIONS

7. DOJ prepares draft Regulations. PSP reviews draft Regulations with division/region and approves or suggests changes to the drafts.

## DECISION PAPER

8. Depending on the nature of the proposed Regulation or amendment, a Decision Paper to Cabinet may be necessary.

## **PUBLIC ENGAGEMENT AND CONSULTATION**



9. If the draft Regulation has the potential to negatively infringe on an Aboriginal or Treaty rights section 35 Consultation is required. A Consultation Plan is developed prior to beginning Consultation.
10. Public engagement is highly recommended when new Regulations or amendments to existing Regulations have a potential to affect the general public or stakeholders.

## **ENR LEGISLATIVE COMMITTEE**



11. ENR Legislative Committee approves draft Regulations and adequacy of Consultation and public engagement.

## **FINAL GNWT APPROVAL**



12. If Public Engagement and Consultation requirements are necessary, once they are met Deputy Minister of ENR approves the Regulation.
13. DOJ receives ENR Minister's approval and the Commissioner signs off on the regulation.