

Bill No. 110 of 1951.

A BILL TO PROVIDE FOR THE ORGANIZATION AND
ADMINISTRATION OF CIVIL DEFENCE AND
DISASTER WITHIN THE PROVINCE
OF ALBERTA.

NOTE.

This Bill enacts a new Act to be known as "*The Civil Defence and Disaster Act.*"

It is divided into two parts, the first of which deals with planning and preparation of schemes and plans to meet with civil defence and civil disaster needs. The second part provides for the implementation of a plan or program or plans or programs for civil defence.

Section 2 of the Bill is the interpretative section. It defines the persons and committees who will largely be charged with the administration of the Act and civil defence and disaster control within the Province.

Section 3 makes provision for the appointment of a coordinator and deputy coordinator of civil defence and any assistants they may require, defines their duties and provides for administrative expenses.

Section 4 provides for the appointment of a Cabinet Committee to advise the Executive Council on all matters relating to civil defence and disaster.

Section 5 authorizes the Minister, with the approval of the Lieutenant Governor in Council, to appoint an advisory committee to advise and assist the Cabinet Committee and the Minister.

Section 6 authorizes the Minister, with the approval of the Lieutenant Governor in Council, to approve and adopt plans for civil defence and disaster and to make all preparations and take all steps necessary to provide for the civil defence of and control of disaster within the Province.

Section 7 empowers a municipality to establish a local plan and organization for civil defence and disaster control and to take any steps necessary in preparing the municipality for any emergency due to a state of war, hostile enemy action or sabotage and among other things authorizes the making of contracts, obtaining of equipment, employment of civil defence workers, provision for the health and safety of the populace and with the consent of the Minister, the obtaining and expending of money.

Section 8 provides that the Lieutenant Governor in Council may declare that a state of emergency exists due to a state of war, hostile enemy action or sabotage.

Section 9 outlines the powers of the Minister, acting with the approval of the Lieutenant Governor in Council, when a state of emergency has been declared to exist and authorizes him to put into operation any plan for civil defence, or to authorize a municipality to put into operation any plan for civil defence and further authorizes the Minister to take any other action considered necessary for the protection of persons and property from injury due to a state of war, hostile enemy action or sabotage.

Section 10 authorizes the Minister, with the approval of the Lieutenant Governor in Council, to make any regulations deemed necessary.

Section 11 provides for the protection of the Minister or any person acting under his direction or control from any action arising out of anything done by such person in the performance of his duties.

Section 12 protects any person authorized by a municipality which has been authorized to execute a civil defence plan, from any action arising out of anything done by such person in the performance of his duties.

Section 13 provides for a maximum penalty of six months' imprisonment or five hundred dollars fine, or both, for any person who contravenes the provisions of the Act or regulations made pursuant thereto.

Section 14 makes it clear that where there is any conflict between the provisions of this Act and any other Act the provisions of this Act shall prevail.

Section 15 provides that the Act shall come into force on the day upon which it is assented to.

KENNETH A. MCKENZIE,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 110 of 1951.

An Act to Provide for the Organization and Administration
of Civil Defence and Disaster within the
Province of Alberta.

(Assented to _____, 1951.)

WHEREAS due to the existing and increasing possibility Preamble
of the occurrence of disasters or emergencies from
enemy attack, sabotage, or other hostile action or by fire,
flood or other natural disasters and in order to ensure that
the Province of Alberta will be in a position to deal with such
disasters or emergencies and to provide for the common
defence and for the protection of the public peace, health
and safety and to preserve the lives and property of the
public of the Province, it is deemed necessary to establish a
civil defence and disaster organization to prepare, adminis-
ter and carry out plans relating to civil defence and disaster
within the Province of Alberta;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Alberta, enacts as follows:

Short Title.

1. This Act may be cited as "*The Civil Defence and* Short title
Disaster Act".

2. In this Act, unless the context otherwise requires,— Interpreta-
tion
- (a) "Minister" means that member of the Executive "Minister"
Council for the time being charged with the ad-
ministration of this Act;
 - (b) "coordinator" means the person appointed under "coordin-
ator"
this Act as the coordinator of all matters relating to
civil defence or disaster;
 - (c) "Cabinet Committee" means the committee of the "Cabinet
Committee"
Executive Council appointed under this Act to
advise the Lieutenant Governor in Council on
matters pertaining to civil defence or disaster;
 - (d) "advisory committee" means the committee ap- "advisory
committee"
pointed by the Minister to advise the Cabinet Com-
mittee or the Minister in all matters relating to
civil defence and disaster;
 - (e) "deputy coordinator" means the person, from time "deputy co-
ordinator"
to time appointed under this Act, to advise and assist
the coordinator in the carrying out of his duties;

- "municipality" (f) "municipality" means any city, town, village, county, municipal district, improvement district or special area.
- Appointment of co-ordinator **3.** (1) The Lieutenant Governor in Council may appoint a coordinator to deal with all matters relating to civil defence or disaster, a deputy coordinator and such other technicians and employees as may be necessary to assist the coordinator in the carrying out of such duties as may be assigned to the coordinator.
- Duties of co-ordinator (2) The coordinator shall be responsible for the carrying out of the provisions of this Act and for the performance of such duties as may be assigned to him from time to time by the Lieutenant Governor in Council.
- Expenses of administration (3) The salaries of the coordinator, deputy coordinator and other officers and employees and all other expenses incurred in administering this Act shall be paid out of moneys from time to time appropriated by the Legislature for that purpose.
- Appointment of Cabinet Committee **4.** The Lieutenant Governor in Council may appoint a Cabinet Committee consisting of such members of the Executive Council as may be designated, from time to time, to advise on all matters relating to civil defence or disaster.
- Appointment of advisory committee **5.** The Minister, with the approval of the Lieutenant Governor in Council, may appoint an advisory committee which shall advise and assist the Minister or the Cabinet Committee.

PART I.

Preparation and Planning.

- Preparation of plan for civil defence and disaster **6.** (1) The Minister, with the approval of the Lieutenant Governor in Council, may approve and adopt any plan relating to civil defence or disaster that is necessary for the protection of persons and property within the Province from injury or loss due to enemy attack, hostile action or disaster.
- Powers of the Minister (2) The Minister, with the approval of the Lieutenant Governor in Council, may do all acts and take all proceedings for the carrying out of all things necessary or advisable relating to any plan or program for civil defence or disaster and without in any way limiting the generality of the powers set out in this Act may,—
- (a) enter into any agreement with the Government of Canada, or any province, municipality or person;
 - (b) prepare a comprehensive plan relating to civil defence or disaster and coordinate the preparation of plans or programs relating to civil defence or

disaster with the plans and programs of the Government of Canada, other provinces, municipalities and foreign states;

- (c) take any measures he may deem proper to carry into effect a request of the Government of Canada for any action concerning civil defence or disaster;
- (d) acquire real and personal property;
- (e) procure food, clothing, supplies, medicines, equipment and goods of any nature or description;
- (f) make regulations necessary for the carrying into effect of any plan or program relating to civil defence or disaster.

7. (1) A municipality may establish a local organization to deal with all matters relating to civil defence or disaster. Power of a municipality

(2) The plan or program of a municipality relating to civil defence or disaster shall be submitted to the Minister.

(3) The council of a municipality may appoint a comptroller to coordinate and control, under the direction of the council, any local civil defence and disaster organization.

(4) If a disaster occurs and an emergency is not declared to exist the council may put into operation any approved plan and in such a case the council shall be liable for and responsible for any act performed or thing done in the execution of the plan.

(5) The council of a municipality which sets up a civil defence organization may,—

- (a) by by-law approved by the Minister borrow, levy, appropriate and expend, without the consent of the burgesses, such sums as may be required for civil defence and disaster purposes;
- (b) make contracts, obtain and distribute equipment, materials and supplies for civil defence and disaster purposes;
- (c) provide for the health and safety of persons and property and provide emergency assistance to victims of disaster;
- (d) employ, with or without compensation, workers required in connection with the plan or program for civil defence or disaster;
- (e) utilize employees, property or equipment of the municipality for civil defence or disaster purposes within or without the boundaries of the municipality.

PART II.

State of Emergency.

Lieutenant
Governor in
Council may
declare
emergency

8. The Lieutenant Governor in Council at any time, by order in council, may declare that a state of emergency exists due to a state of war, hostile enemy action or sabotage within or without the Province or apprehended war, hostile enemy action or sabotage.

Power of
Minister
during state
of emergency

9. (1) Upon the making of the declaration the Minister, with the approval of the Lieutenant Governor in Council, may put into operation any plans or programs relating to civil defence or authorize any municipality to put into operation any approved plan or part of an approved plan which may be considered by the Minister to be necessary or advisable for the protection of persons or property from injury or loss due to enemy attack, hostile enemy action or sabotage.

(2) During a state of emergency the Minister may do all acts and take all proceedings for the carrying out of all things necessary or advisable relating to civil defence and, without in any way limiting the generality of the powers set out in this Act, may,—

- (a) authorize, direct or require any municipality, organization or person to do any act or take any proceeding set out in the order;
- (b) acquire real or personal property by expropriation, confiscation or in any other manner;
- (c) take any measures which may be deemed proper to put into effect any plans or programs relating to civil defence or any request of the Government of Canada for action to be taken with respect to civil defence or disaster.

Regulations

10. For the purpose of carrying out the provisions of this Act according to their true intent, the Minister, with the approval of the Lieutenant Governor in Council, may make regulations from time to time deemed necessary, and upon regulations being made they shall be of the same force and effect as if they were incorporated in this Act.

General.

Protection
of officials

11. The Minister or any official or person acting under his direction shall not be liable in respect of any damage caused through any action taken under any of the provisions of this Act or any of the regulations made thereunder, nor shall the Minister or any official or person acting under his direction be subject to any proceedings by way of prohibition, certiorari, mandamus or injunction.

Protection
of officials of
municipality

12. In the event of a state of emergency being declared to exist by the Government of Canada or by the Province,

no official of a municipality authorized by order of the Minister to act and no person appointed by an authorized municipality to carry out measures relating to civil defence, shall be liable in respect of any damage caused through any action taken under the provisions of this Act or the regulations, nor shall he be subject to any proceedings by prohibition, certiorari, mandamus or injunction.

13. Any person contravening the provisions of this Act ^{Penalty} or the regulations made pursuant thereto shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both imprisonment and fine.

14. Where any conflict arises between the provisions of ^{Conflict} this Act and any other Act the provisions of this Act shall prevail.

15. This Act shall come into force on the day upon which <sup>Coming
into force</sup> it is assented to.

No. 110

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to Provide for the Organization and Administration of Civil Defence and Disaster within the Province of Alberta.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
