

No. 78

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 78

A Bill to amend The Civil Defence and Disaster Act

HON. MR. HALMRAST

Explanatory Note

1. This bill amends chapter 43 of the Revised Statutes.

2. Section 7, subsections (4) and (5) presently read:

(4) If a disaster occurs and an emergency is not declared to exist, the council of the municipality may put into operation an approved plan and may take whatever action it deems advisable to meet the disaster.

(5) The council of a municipality that sets up a civil defence organization may

- (a) by a by-law approved by the Minister, borrow, levy, appropriate and expend, without the consent of the burgesses, such sums as are required for civil defence purposes or in connection with a disaster within or without the boundaries of the municipality,
- (b) make contracts, obtain and distribute equipment, materials and supplies for civil defence purposes or in connection with a disaster,
- (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, and
- (f) obtain and make payments for the services of the Canadian Armed Forces for civil defence or disaster purposes, within or without the boundaries of the municipality.

3. Sections 8 and 9 read:

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

9. (1) Upon the making of the declaration the Minister, with the approval of the Lieutenant Governor in Council, may put into operation plans or programs relating to civil defence or authorize a municipality to put into operation an approved plan or part of an approved plan that is 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 necessary and advisable proceedings relating to civil defence and, without limiting the generality of the powers set out in this Act, may

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

And see clause 4 of this Bill.

BILL

No. 78 of 1965

An Act to amend The Civil Defence and Disaster Act

(Assented to _____, 1965)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Civil Defence and Disaster Act* is hereby amended.
2. Section 7 is amended
 - (a) by striking out subsection (4) and by substituting the following:
 - (4) If a disaster occurs or is imminent in a municipality and an emergency is not declared to exist, the council of the municipality may
 - (a) put into operation an approved plan, or
 - (b) put into operation any appropriate regulations that are authorized for use under this subsection,and may take whatever action it considers advisable to meet the disaster.
 - (b) as to subsection (5) by striking out clause (f) and by substituting the following:
 - (f) subject to subsection (6), make payments for the services of the Canadian Armed Forces for civil defence or disaster purposes, within or without the boundaries of the municipality, where such services were obtained by the Government at the request of the municipality.
3. Section 8 is amended by renumbering the section as subsection (1), and subsections (1) and (2) of section 9 are renumbered as subsections (2) and (3), respectively of section 8.

4. The present sections 8 and 9 only provide for a state of emergency because of the threats of war dangers and for the putting into effect in the Province civil defence plans for the protection of persons from such threats. The proposed new section 9 will provide for a state of emergency because of an actual or apprehended disaster (whether caused by war or otherwise) and for the putting into effect of disaster plans not only for protection but also for rescue, relief and other forms of assistance.

A new section 9a providing for the sharing of costs is added.

5. Commencement of Act.

4. The following sections are added after the amended section 8:

9. (1) The Lieutenant Governor in Council may at any time, by order in council, declare that a state of emergency exists in an area of the Province due to an actual or apprehended disaster therein and declare the area to be a disaster area.

- (2) Upon the making of the declaration the Minister may
- (a) put into operation plans or programs relating to disasters, or
 - (b) authorize a municipality to put into operation
 - (i) an approved plan or part of an approved plan respecting disasters, or
 - (ii) any appropriate regulations that are authorized for use under this subsection,that the Minister considers to be necessary or advisable in connection with the disaster.

(3) During the state of emergency the Minister may do all acts and take all necessary and advisable proceedings relating to disasters and without limiting the generality of the powers set out in this Act, may

- (a) authorize, direct or require a 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, and
- (c) take measures that he deems proper to put into effect plans or programs relating to disasters or a request of the Government of Canada for action to be taken with respect to disaster.

9a. Where any expenditure with respect to a disaster is made by the Province within or for the benefit of a municipality, the municipality shall, if so required by the Lieutenant Governor in Council, pay to the Provincial Treasurer the amount thereof or such portion thereof as may be specified in the order, at such times and on such terms as to the payment of interest and otherwise as the order may require.

5. This Act comes into force on the day upon which it is assented to.

No. 78

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Civil Defence
and Disaster Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
