

1968 Bill 4

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 4

An Act to amend The Civil Defence and Disaster Act

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Third Reading

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1968

An Act to amend The Civil Defence and Disaster Act

(Assented to _____, 1968)

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) 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 Forces for disaster purposes, within or without the boundaries of of the municipality, where those services were obtained by the Government at the request of of the municipality.

(b) by striking out subsection (6) and by substituting the following:

(6) Where the services of the Canadian Forces have been used in a disaster at the request of a council of a municipality, the council may, by by-law approved by the Minister, borrow, levy, appropriate and expend without the consent of the proprietary electors, whatever sums are required as payment for the services of the Canadian Forces.

3. Section 12 is struck out and the following is substituted:

12. If a state of emergency is declared to exist by the Government of Canada or by the Province,

(a) no official of a municipality authorized by order of the Minister to act, and

(b) no person appointed by an authorized municipality to carry out measures relating to civil defence or disaster,

is liable in respect of damage caused through any action taken under this Act or the regulations, nor are they subject to any proceedings by prohibition, *certiorari*, *mandamus* or injunction.

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

Explanatory Notes

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

2. Section 7, subsection (5), clause (f) and subsection (6) presently read:

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

.....

(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.

(6) Where the services of the Armed Forces of Canada have been utilized in a civil disaster at the request of a council of a municipality, the council may, by by-law approved by the Minister, borrow, levy, appropriate and expend without the consent of the burgesses, such sums as are required as payment for the services of the Armed Forces, notwithstanding that the civil disaster may have occurred or the services may have been rendered prior to the seventh day of April, 1951.

3. The present section 12 provides protection to officials of a municipality in civil defence only and does not include disaster.