

1973 Bill 57

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Second Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 57**

**The Disaster Services Act**

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HONOURABLE DR. HORNER

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 57

1973

## THE DISASTER SERVICES ACT

(Assented to \_\_\_\_\_, 1973)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**1.** In this Act,

- (a) "Cabinet Committee" means the committee of the Executive Council appointed under section 4;
- (b) "declaration of a state of emergency" means an order of the Lieutenant Governor in Council under section 15;
- (c) "declaration of a state of local emergency" means a resolution or order of a local authority under section 18;
- (d) "Director" means the Director of the Alberta Disaster Services Agency;
- (e) "disaster" means a calamity caused by accident, by an act of war or insurrection or by the forces of nature and which has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;
- (f) "emergency" means a present or imminent event which requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;
- (g) "local authority" means
  - (i) the council of a city, town, village, county or municipal district, or
  - (ii) the board of administrators of a new town, or
  - (iii) in the case of an improvement district or special area, the Minister of Municipal Affairs;
- (h) "Minister" means the member of the Executive Council for the time being charged with the administration of this Act;
- (i) "municipal agency" means a municipal disaster services agency;
- (j) "municipality" means a city, town, new town, village, county, municipal district, improvement district or special area.

## **Explanatory Notes**

GENERAL. This Bill will replace The Civil Defence and Disaster Act with an Act providing for the preparation and implementation of plans and related measures for the health and safety of citizens in preventing, combating and alleviating the effects of emergency or disaster. It will have greater emphasis on peacetime functions and in particular on preventive measures.

### **1. Definitions.**

**PART 1**  
**ADMINISTRATION**

**2.** There shall be a department of the public service of Alberta called the "Alberta Disaster Services Agency".

**3.** In accordance with *The Public Service Act* there may be appointed a Director, Deputy Director and such officers and employees as may be required for the administration of the business and affairs of the Alberta Disaster Services Agency.

**4.** The Lieutenant Governor in Council may appoint a committee consisting of such members of the Executive Council as he may designate from time to time to advise on matters relating to emergencies and disasters.

**5.** (1) The Minister may appoint committees as he considers necessary or desirable to advise or assist the Minister, the Cabinet Committee or the Director.

(2) The members of committees appointed under subsection (1) who are not officers or employees of the Crown, nor officers or employees of any agency of the Crown, may be paid remuneration for their services and expenses at a rate or rates fixed by the Minister.

**6.** The Lieutenant Governor in Council may make regulations

- (a) assigning responsibility to departments, boards, commissions or Crown agencies for the preparation or implementation of plans or arrangements or parts thereof to deal with emergencies;
- (b) delegating to any person, board or committee appointed under this Act any of the powers vested by this Act in the Minister or the Lieutenant Governor in Council except the power to make an order for a declaration of a state of emergency or to make regulations;
- (c) governing the assessment of damage or loss caused by a disaster and the payment of compensation for the damage or loss;
- (d) governing the sharing of costs incurred by the Government of Alberta or by a local authority in conducting emergency operations;
- (e) governing the payment of expenditures out of the Emergency Contingency Fund;
- (f) governing the administration of the Disaster Relief Fund;

2. The Alberta Disaster Services Agency will be constituted a Department of the public service.

3. Provision for hiring personnel.

4. Appointment of an advisory committee from the Executive Council.

5. The Minister will be able to appoint committees to advise or assist him or the Cabinet Committee or the Director.

6. Regulations.

- (g) concerning any other matter or thing necessary for the administration of this Act and for which no specific provision is made in this Act.

7. (1) The Minister may

- (a) review and approve or require the modification of provincial and municipal emergency plans and programs;
- (b) enter into agreements with the Government of Canada or of any other province or any agency of such government, dealing with emergency plans and programs;
- (c) make surveys and studies of resources and facilities to maintain and provide information necessary for the effective preparation of emergency plans and programs;
- (d) make surveys and studies to identify and record actual and potential hazards which may cause emergencies;
- (e) make payments, subject to such terms and conditions as he may prescribe, to local authorities for the purpose of operating municipal disaster services agencies;
- (f) enter into agreements with and make payments to organizations for the provision of services in the development or implementation of emergency plans or programs;
- (g) conduct public information programs relating to the prevention of and mitigation of damage in disasters;
- (h) delegate in writing to the Director any of the powers or duties vested in the Minister by this Act.

(2) The Minister may, by order,

- (a) divide Alberta into various subdivisions for the purpose of organizing integrated emergency planning, training, assistance and emergency operations programs;
- (b) require municipalities within a subdivision to prepare integrated plans, procedures and mutual assistance programs to deal with emergencies and their submission to the Director for review;
- (c) establish procedures required for the prompt and efficient implementation of plans and programs to meet emergencies;
- (d) require any person
  - (i) who is engaged or may be engaged in any operation, or
  - (ii) who is utilizing or may be utilizing any process,  
or

7. Powers and duties of the Minister enumerated.

(iii) who is using any property in any manner, or  
(iv) on whose real property there exists or may exist any condition,  
which may be or may create a hazard to persons or property to develop plans and programs in conjunction with local authorities to remedy or alleviate the hazard and to meet any emergency which might arise from the hazard.

**S. The local authority of each municipality**

- (a) shall appoint a committee of members of the local authority or, in the case of an improvement district or special area, of such persons as the Minister of Municipal Affairs may designate, to advise on the development of emergency plans and programs and shall fix the expenses of the committee members;
- (b) shall establish and maintain a municipal disaster services agency;
- (c) may, by by-law in the case of a municipality other than an improvement district or special area, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the municipal agency;
- (d) shall appoint a director of the municipal agency and prescribe his duties which shall include the preparation and co-ordination of emergency plans and programs for the municipality;
- (e) shall prepare and approve emergency plans and programs;
- (f) may enter into agreements with and make payments to organizations for the provision of services in the development or implementation of emergency plans or programs.

**9. (1)** There is hereby established an Emergency Contingency Fund into which shall be paid money appropriated by the Legislature for that purpose and out of which shall be paid in accordance with the regulations expenditures relating to emergencies.

(2) If at any time it appears to the Lieutenant Governor in Council that there is in the Emergency Contingency Fund a cash surplus that is not immediately required for the purposes of this Act, the Lieutenant Governor in Council may order that the cash surplus be paid into and form part of the General Revenue Fund.

**10. (1)** There is hereby established a Disaster Relief Fund into which may be received public donations for disaster relief in areas inside or outside Alberta.



**8. Municipal emergency organization.**

**9. A continuing Fund will be established to meet emergencies.**

**10. There will be a government-controlled central agency to receive public donations into a fund from which donations will be made to alleviate the result of disasters.**

(2) The Disaster Relief Fund shall be administered in accordance with the regulations by a committee called the "Disaster Relief Committee" consisting of such persons as may be appointed by the Lieutenant Governor in Council.

(3) Members of the Disaster Relief Committee who are not employees or officers of the Crown, nor officers or employees of an agency of the Crown, may receive remuneration for their services and expense allowances at such rate as may be fixed by the Lieutenant Governor in Council.

**11.** Where any expenditure with respect to a disaster is made by the Government of Alberta within or for the benefit of a municipality, the local authority 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.

**12.** Neither the Minister nor any official or other person acting under his direction or authorization is liable for damage caused through any action under this Act or the regulations, nor is he subject to any proceedings by way of prohibition, certiorari, mandamus or injunction.

**13.** If a state of emergency is declared to exist by the Government of Canada or by the Lieutenant Governor in Council or if a state of local emergency is declared to exist by a local authority,

(a) no member of a local authority, and

(b) no person appointed by a local authority to carry out measures relating to emergencies or disasters, 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.

**14.** A person contravening a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to imprisonment for a term of not more than six months or to a fine of not more than \$500 or to both imprisonment and fine.

**11.** The provincial government will continue to be able to recover a portion of expenditures from a municipality involved.

**12.** Officials will be protected from actions arising out of proceedings under this Act.

**13.** Protection will be given to those acting under this Act following a declaration of a state of emergency or local emergency.

**14.** Offences.

**PART 2**  
**STATE OF EMERGENCY**

**15.** (1) The Lieutenant Governor in Council may at any time when he is satisfied that an emergency exists or may exist, make an order for a declaration of a state of emergency relating to all or any part of Alberta.

(2) A declaration of a state of emergency under subsection (1) shall identify the nature of the emergency and the area of Alberta in which it exists.

(3) Immediately after the making of an order for a declaration of a state of emergency, the Minister shall cause the details of the declaration to be published by such means of communication as he considers is most likely to make known to the majority of the population of the area affected the contents of the declaration.

(4) An order under subsection (1) expires at the end of 14 days unless continued by a resolution of the Assembly.

**16.** (1) Upon the making of the declaration and for the duration of the state of emergency the Minister may do all acts and take all necessary proceedings including the following:

- (a) cause any emergency plan or program to be put into operation;
- (b) authorize or require a local authority to cause any emergency plan or program for the municipality to be put into effect;
- (c) acquire or utilize any real or personal property by expropriation, confiscation or any means he considers necessary;
- (d) authorize or require any qualified person to render aid of such type as he may be qualified to provide;
- (e) control or prohibit travel to or from any area of Alberta;
- (f) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of Alberta;
- (g) cause the evacuation of persons and the removal of livestock and personal property from any area of Alberta which is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
- (h) authorize the entry into any building or upon any land, without warrant, by any person in the course of implementing any emergency plan or program;

**15. Declaration of a state of emergency.**

**16. This section will give the Minister broad, sweeping powers to take whatever steps are necessary, upon a state of emergency being declared, to meet the emergency and to mitigate the effects of any disaster.**

- (i) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;
- (j) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within any part of Alberta for the duration of the state of emergency;
- (k) authorize the conscription, with or without remuneration, of persons needed to meet an emergency.

(2) The Lieutenant Governor in Council may make regulations in respect of any matter mentioned in subsection (1).

(3) Upon the making of an order under section 15, subsection (1), the Director or such other person as the Minister may appoint is responsible for the co-ordination and implementation of any or all necessary plans or programs prepared pursuant to this Act and all persons and agencies involved in such implementation are subject to the control and direction of the Director or other person appointed.

**17.** (1) When, in the opinion of the Lieutenant Governor in Council, an emergency no longer exists in any area of Alberta in relation to which a declaration of a state of emergency was made, he shall make an order terminating the declaration of a state of emergency in respect of that area.

(2) Immediately after an order is made under subsection (1), the Minister shall cause the details of the termination to be published by such means of communication as he considers is most likely to make known to the majority of the population of the area affected the contents of the termination.

**18.** (1) The local authority of a municipality may, at any time when it is satisfied that an emergency exists or may exist, by resolution or, in the case of the Minister of Municipal Affairs, by order make a declaration of a state of local emergency relating to all or any part of the municipality.

(2) A declaration of a state of local emergency under subsection (1) shall identify the nature of the emergency and the area of the municipality in which it exists.

(3) Immediately after the making of a resolution for a declaration of a state of local emergency, the local authority shall cause the details of the declaration to be published

**17.** Termination of a state of emergency.

**18.** This will provide for a declaration of a state of local emergency when emergency conditions exist within a municipality.

by such means of communication as it considers is most likely to make known to the population of the area of the municipality affected the contents of the declaration.

(4) A local authority may delegate any of its powers and duties under this Act to a committee composed of members of the local authority.

**19.** (1) The local authority shall forthwith upon making a declaration of a state of local emergency, forward a copy of the declaration to the Minister.

(2) The Minister may cancel the declaration of a state of local emergency at any time he considers appropriate in the circumstances.

(3) A declaration of a state of local emergency ceases to be of any force or effect upon the making of an order for a state of emergency by the Lieutenant Governor in Council relating to the same area of the municipality.

(4) A declaration of a state of local emergency lapses seven days after its making by the local authority unless it is earlier cancelled by the Minister or terminated by the local authority or unless it is renewed by the local authority.

(5) The provisions of section 18, subsection (3) and of subsections (1) to (4) of this section apply to any renewal of a state of local emergency.

**20.** (1) When, in the opinion of the local authority, an emergency no longer exists in any area of the municipality in relation to which a declaration of a state of local emergency was made, it shall by resolution or, in the case of the Minister of Municipal Affairs by order, terminate the declaration of a state of local emergency in respect of that area.

(2) Immediately after

(a) the passage of a resolution or order terminating a declaration under subsection (1), or

(b) the cancellation by the Minister of a declaration of a state of local emergency, or

(c) the termination by lapse of time of a declaration of a state of local emergency,

the local authority shall cause the details of the declaration or cancellation or the fact of the termination by lapse of time to be published by such means of communication as it considers is most likely to make known to the majority of the population of the area affected the contents of the declaration or cancellation or the fact of the termination.



**19.** The Minister will be able to cancel a declaration of a state of local emergency if he considers its use indiscriminate, improper or unnecessary.

**20.** Termination of a state of local emergency.

**21.** (1) Upon the making of a declaration of a state of local emergency and for the duration of the state of local emergency, the local authority may do all acts and take all necessary proceedings including the following:

- (a) cause any emergency plan or program to be put into operation;
- (b) exercise any power given to the Minister under section 16, subsection (1) in relation to the part of the municipality affected by the declaration.

(2) A local authority may authorize any person at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 16, subsection (1) in relation to any part of the municipality affected by a declaration of a state of local emergency.

(3) The local authority of a municipality other than an improvement district or special area may, during or within 60 days after the state of local emergency, by by-law approved by the Minister of Municipal Affairs and, where necessary, by the Local Authorities Board, but without obtaining the assent of proprietary electors, borrow such sums as are necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada where the services were provided at the request of the local authority.

(4) In the case of an improvement district or special area, the Minister of Municipal Affairs may, during or within 60 days after the state of local emergency, borrow such sums as are necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada where the services were provided at the request of the Minister of Municipal Affairs.

**22.** (1) *The Municipal Election Act is amended as to section 11, subsection (2), clause (g) by adding after the words "The Civil Defence and Disaster Act" the words "or The Disaster Services Act".*

(2) *The Municipal Government Act is amended*

- (a) *as to section 29, subsection (2), clause (g) by adding after the words "The Civil Defence and Disaster Act" the words "or The Disaster Services Act," and*
- (b) *by striking out section 153.*

**23.** *The Civil Defence and Disaster Act is hereby repealed.*

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

**21.** The local authority will be given broad general powers to deal with local emergencies.

**22.** Consequential. Section 153 of The Municipal Government Act reads:

153. (1) The council may delegate to the mayor or to a committee composed of members of the council the power

- (a) to declare a state of peacetime emergency or disaster, and
- (b) to take immediate action to deal with a peacetime emergency or disaster in the municipality.

(2) When a peacetime emergency or disaster occurs, the mayor or committee authorized to deal therewith, may without further authorization, take such steps as are considered necessary to protect life and property of the municipality and its residents, and for that purpose may expend money of the municipality for any purpose considered necessary in the circumstances.

(3) In dealing with a peacetime emergency or disaster under this section, the mayor or committee, as the case may be, may co-operate with the council of another municipality, the board of a school division or district, or with any Minister, department or agency of the Government of Alberta or of Canada.

(4) When a state of peacetime emergency or disaster is declared under this section and measures are taken to deal therewith, no mayor, councillor or person appointed to carry out the measures is personally liable in respect of damage caused through any action taken by him.

**23.** This Bill will repeal chapter 48 of the Revised Statutes of Alberta 1970.