

1985 BILL 24

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 24**

**DISASTER SERVICES AMENDMENT ACT, 1985**

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HON. MR. M. MOORE

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 24

1985

### DISASTER SERVICES AMENDMENT ACT, 1985

(Assented to , 1985)

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

- 1 *The Disaster Services Act is amended by this Act.*
- 2 *The title and chapter number of the Act are repealed and the following is substituted:*

#### **PUBLIC SAFETY SERVICES ACT CHAPTER P-30.5**

- 3 *Section 1 is amended*
  - (a) *by repealing clause (d);*
  - (b) *in clause (g)*
    - (i) *by striking out “or” at the end of subclause (ii);*
    - (ii) *by adding the following after subclause (iii):*
      - (iv) the park superintendent of a national park or his delegate where an agreement is entered into with the Government of Canada under section 6(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, or
      - (v) the band council of an Indian band where an agreement is entered into with the Government of Canada under section 6(b) in which it is agreed that the band council is a local authority for the purposes of this Act;
  - (c) *by adding the following after clause (g):*
    - (g.1) “Managing Director” means the person appointed under section 2(2) as the Managing Director;
  - (d) *by repealing clauses (i) and (j) and substituting the following:*
    - (j) “municipality” means the area comprising a city, town, new town, village, county, municipal district, improvement district or special area and includes
      - (i) the area comprising a national park where an agreement is entered into with the Government of Canada

## **Explanatory Notes**

- 1** This Bill will amend chapter D-36 of the Revised Statutes of Alberta 1980.
- 2** Changes the title and chapter number of the Act.

**3** Section 1(d), (g) and (j) presently read:

*1 In this Act,*

*(d) "Director" means the Director of the Alberta Disaster Services Agency;*

*(g) "local authority" means*

*(i) the council of a city, town, village, county or municipal district,*

*(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;*

*(j) "municipality" means a city, town, new town, village, county, municipal district, improvement district or special area.*

under section 6(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, and

(ii) the area comprising an Indian reserve where an agreement is entered into with the Government of Canada under section 6(b) in which it is agreed that the band council is a local authority for the purposes of this Act.

*4 Section 2 is amended*

(a) in subsection (1) by striking out “Alberta Disaster Services Agency” and substituting “Alberta Public Safety Services Agency”;

(b) in subsection (2)

(i) by striking out “Director, Deputy Director” and substituting “Managing Director”, and

(ii) by striking out “Alberta Disaster Services Agency” and substituting “Alberta Public Safety Services Agency”.

*5 Section 4(1) is amended by striking out “Director” and substituting “Managing Director”.*

*6 Section 5(e) is repealed.*

*7 Section 6(h) is amended by striking out “Director” and substituting “Managing Director”.*

*8 Section 7(b) is repealed and the following is substituted:*

(b) require local authorities of those municipalities located within a subdivision referred to in clause (a) to prepare integrated plans, procedures and mutual assistance programs to deal with emergencies and to submit them to the Managing Director for review;

*9 Section 8 is repealed and the following is substituted:*

**8 The local authority of each municipality**

(a) shall, at all times, be responsible for the direction and control of the local authority’s emergency response unless the Government assumes direction and control under section 15;

(b) shall appoint a committee consisting of a member or members of the local authority or

(i) in the case of an improvement district or special area, of a person or persons that the Minister of Municipal Affairs designates, or

(ii) in the case of a national park, of a person or persons that the park superintendent designates,

**4 Section 2 presently reads:**

*2(1) There shall be a part of the public service of Alberta called the "Alberta Disaster Services Agency".*

*(2) In accordance with the Public Service Act there may be appointed a Director, Deputy Director and any officers and employees required for the administration of the business and affairs of the Alberta Disaster Services Agency.*

**5 Section 4(1) presently reads:**

*4(1) The Minister may appoint committees as he considers necessary or desirable to advise or assist the Minister, the Cabinet Committee or the Director.*

**6 Section 5(e) presently reads:**

*5 The Lieutenant Governor in Council may make regulations*

*(e) governing the payment of expenditures out of the Emergency Contingency Fund;*

**7 Section 6(h) presently reads:**

*6 The Minister may*

*(h) delegate in writing to the Director any of the powers or duties vested in the Minister by this Act.*

**8 Section 7(b) presently reads:**

*7 The Minister may, by order,*

*(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;*

**9 Section 8 presently reads:**

*8 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 designates, 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;*

to advise on the development of emergency plans and programs;

(c) shall provide for the payment of expenses of the members of a committee appointed under clause (b);

(d) shall establish and maintain a municipal disaster services agency to act as the agent of the local authority to carry out the local authority's statutory powers and obligations under this Act;

(e) in the case of a municipality other than an improvement district, special area, national park or Indian reserve, may by by-law borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the municipal disaster services agency;

(f) shall appoint a director of the municipal disaster services agency, who shall

(i) prepare and co-ordinate emergency plans and programs for the municipality,

(ii) act as director of emergency operations on behalf of the municipal disaster services agency,

(iii) co-ordinate all emergency services and other resources used in an emergency, and

(iv) perform other duties as prescribed by the local authority;

(g) shall prepare and approve emergency plans and programs;

(h) 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.

*10 Section 9 is repealed.*

*11 Section 11 is amended by adding “, other than a park superintendent or an Indian band council,” after “local authority”.*

*(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.*

**10** Section 9 presently reads:

*9(1) There is hereby established an Emergency Contingency Fund into which shall be deposited money voted 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 the General Revenue Fund.*

**11** Section 11 presently reads:

*11 When an expenditure with respect to a disaster is made by the Government 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 the times and on the terms as to the payment of interest and otherwise that the order may require.*

*12 The following is added after section 11:*

**11.1** The Minister may charge fees for any services or materials that are provided and any research that is carried out in respect of matters to which this Act pertains.

*13 Section 12(2) is amended by striking out “neglect of duty or misuse of authority” and substituting “gross negligence”.*

*14 Section 13 is amended*

*(a) by renumbering it as section 13(1);*

*(b) by repealing subsection (1)(a) and substituting the following:*

(a) neither the local authority nor any member of the local authority, and

*(c) by adding the following after subsection (1):*

(2) Notwithstanding subsection (1),

(a) any member of a local authority, and

(b) any person acting under the direction or authorization of the local authority,

is liable for gross negligence in carrying out his duties under this Act or the regulations.

*15 Section 14 is repealed and the following is substituted:*

**14** Any person who

(a) contravenes this Act or the regulations, or

(b) interferes or obstructs any person in the exercise of any power or the performance of any duty conferred or imposed by this Act or the regulations,

is guilty of an offence and liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$500 or to both imprisonment and fine.

*16 Section 16 is amended*

*(a) by adding the following after subsection (1):*

(1.1) As it relates to the acquisition of real property, subsection (1)(c) does not apply to real property located within a national park or an Indian reserve.

*(b) in subsection (4) by striking out “Director” wherever it occurs and substituting “Managing Director”.*



**12 Fees.**

**13 Section 12(2) presently reads:**

*(2) Notwithstanding subsection (1), the Minister or any official or other person acting under his direction or authorization is liable for neglect of duty or misuse of authority in carrying out his duties under this Act or the regulations.*

**14 Section 13 presently reads:**

*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.*

**15 Section 14 presently reads:**

*14 A person who contravenes this Act or the regulations is guilty of an offence and liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$500 or to both imprisonment and fine.*

**16 Section 16(1)(c) and (4) presently read:**

*16(1) On 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:*

*(c) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;*

*(4) On the making of an order under section 15(1), the Director or some other person whom the Minister appoints 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 the implementation are subject to the control and direction of the Director or other person appointed.*

*17 Section 18 is amended*

- (a) in subsection (1) by adding “or a park superintendent of a national park” after “Minister of Municipal Affairs”;*
- (b) in subsection (4) by adding “a member or” after “composed of”.*

*18 Section 20(1) is amended by adding “or a park superintendent of a national park” after “Minister of Municipal Affairs”.*

*19 Section 21 is amended*

- (a) in subsection (1) by adding the following after clause (b):*
  - (c) authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 16(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.*
- (b) by repealing subsection (2);*
- (c) in subsection (3) by striking out “or special area” and substituting “, special area, national park or Indian reserve”.*

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*In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.*

**17** Section 18(1) and (4) presently read:

*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.*

*(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.*

**18** Section 20(1) presently reads:

*20(1) When, in the opinion of the local authority, an emergency no longer exists in an 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.*

**19** Section 21 presently reads:

*21(1) On 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(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(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 any money necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada when 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 any money necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada when the services were provided at the request of the Minister of Municipal Affairs.*