

1992 BILL 24

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Fourth Session, 22nd Legislature, 41 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 24

**PUBLIC SAFETY SERVICES AMENDMENT ACT, 1992**

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MR. TANNAS

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 24

1992

### PUBLIC SAFETY SERVICES AMENDMENT ACT, 1992

(Assented to \_\_\_\_\_, 1992)

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

1 *The Public Safety Services Act is amended by this Act.*

2 *Section 1 is amended*

(a) *in clause (g) by adding the following after subclause (iii):*

(iii.1) **the settlement council of a settlement under the *Metis Settlements Act*,**

(b) *by repealing clause (j) and substituting the following:*

(j) **“municipality” means the area comprising a city, town, new town, village, county, municipal district, improvement district, special area or rural district and includes**

(i) **the settlement area of a settlement under the *Metis Settlements Act*,**

(ii) **the area comprising a national park 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, and**

## Explanatory Notes

**1** This Bill will amend chapter P-30.5 of the Revised Statutes of Alberta 1980.

**2** Section 1(g) and (j) presently read:

*1 In this Act,*

*(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,*
- (iii) in the case of an improvement district or special area, the Minister of Municipal Affairs,*
- (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;*

- (iii) 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.

3 *The following is added before section 2:*

Crown bound

**1.1** This Act binds the Crown.

Delegation

**1.2(1)** The Minister of Municipal Affairs may authorize another person to carry out duties or exercise any of the powers that may be carried out or exercised by the Minister of Municipal Affairs under this Act.

**(2)** An authorization made under subsection (1) may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

**(3)** If an authorization made under subsection (1) is made in writing and

- (a) purports to be signed by the Minister of Municipal Affairs, and
- (b) states that the person named in it is authorized under this section to carry out the duties or exercise the power set out in the written authorization,

that written authorization or a copy of it shall be admitted in evidence as prima facie proof of that person's authorization to carry out the duties or exercise the power without proof of the signature or official character of the Minister of Municipal Affairs.

**(4)** Notwithstanding that the Minister of Municipal Affairs has given an authorization under this section, the Minister of Municipal Affairs may carry out the

(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 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.*

**3** Section 1.1 binds the Crown. Section 1.2 allows the Minister of Municipal Affairs to delegate certain powers and duties.

duties or exercise that power in respect of which the authorization was given.

4 *Section 5 is amended by adding the following after clause (d):*

- (e) requiring persons
  - (i) who are engaged or may be engaged in any operation,
  - (ii) who are utilizing or may be utilizing any process,
  - (iii) who are using any property in any manner, or
  - (iv) on whose real property there exists or may exist any condition,

that 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 that might arise from the hazard;

5 *Section 6 is amended*

- (a) *by repealing clause (e) and substituting the following:*
  - (e) make payments and grants, subject to any terms or conditions that the Minister may prescribe, to local authorities for the purposes of assisting in emergency preparedness and the provision of public safety programs;
- (b) *in clause (f) by striking out “to organizations” and substituting “or grants, or both, to persons or organizations”;*
- (c) *by repealing clause (g) and substituting the following:*
  - (g) conduct public information programs relating to emergency preparedness for and the mitigation of disasters;

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

*5 The Lieutenant Governor in Council may make regulations*

- (d) governing the sharing of costs incurred by the Government of Alberta or by a local authority in conducting emergency operations;*

**5** Section 6(e), (f) and (g) presently read:

*6 The Minister may*

- (e) make payments, subject to any terms and conditions 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;*

6 Section 7 is amended

- (a) by renumbering it as section 7(1);
- (b) in subsection (1) by repealing clause (d) and substituting the following:
  - (d) require a person to whom the order is directed and
    - (i) who is engaged or may be engaged in any operation,
    - (ii) who is utilizing or may be utilizing any process,
    - (iii) who is using any property in any manner, or
    - (iv) on whose real property there exists or may exist any condition, that may be or may create a hazard to persons or property to develop plans and programs in conjunction with one or more local authorities to remedy or alleviate the hazard and to meet any emergency that might arise from the hazard.
- (c) by adding the following after subsection (1):
  - (2) The *Regulations Act* does not apply to an order made under subsection (1).

7 Section 8(h) is amended by striking out “to organizations” and substituting “or grants, or both, to persons or organizations”.

8 Section 14 is amended

- (a) by striking out “6 months” and substituting “one year”;



**6** Section 7 presently reads:

*7 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 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;*
- (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,*
  - (ii) who is utilizing or may be utilizing any process,*
  - (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.*

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

*8 The local authority of each municipality*

- (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.*

**8** Section 14 presently reads:

*14 Any person who*

(b) by striking out “\$500” and substituting “\$10 000”.

9 Section 15 is amended by adding the following after subsection (4):

(5) Unless otherwise provided for in the order for a declaration of a state of emergency, where

- (a) an order for a declaration of a state of emergency is made, and
- (b) there is a conflict between this Act or a regulation made under this Act and any other Act or regulation, other than the *Alberta Bill of Rights* or the *Individual's Rights Protection Act* or a regulation made under either of those Acts,

this Act and the regulations made under this Act, during the time that the order is in effect, shall prevail in Alberta or that part of Alberta in respect of which the order was made.

(6) The *Regulations Act* does not apply to an order made under subsection (1).

10 The following is added after section 22:

Conscript's  
employment

**23** A person's employment shall not be terminated by reason only that the person is conscripted pursuant to section 16(1) or 21(1).

- (a) *contravenes this Act or the regulations, or*
- (b) *interferes with 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.*

**9** Section 15 presently reads:

*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 Legislative Assembly.*

**10** Protection of employment of conscripts.