

2007 Bill 30

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

DISASTER SERVICES AMENDMENT ACT, 2007

MR. PRINS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 30
Mr. Prins

BILL 30

2007

DISASTER SERVICES AMENDMENT ACT, 2007

(Assented to , 2007)

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

Amends RSA 2000 cD-13

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2 The title and chapter number of the Act are repealed and the following is substituted:

EMERGENCY MANAGEMENT ACT

Chapter E-6.8

3 Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “Agency” means the Alberta Emergency Management Agency referred to in section 3.1(1);

(b) by repealing clause (d);

(c) in clause (g) by repealing subclause (i) and substituting the following:

Explanatory Notes

1 Amends chapter D-13 of the Revised Statutes of Alberta 2000.

2 Title and chapter number changes.

3 Section 1 presently reads in part:

1 In this Act,

(d) “Deputy Minister” means the deputy minister of the Minister;

(g) “local authority” means

(i) the council of a city, town, village or municipal district but does not include the council of a summer village,

(ii) in the case of an improvement district, the Minister responsible for the Municipal Government Act,

- (i) where a municipality has a council within the meaning of the *Municipal Government Act*, that council,

(d) by adding the following after clause (g):

- (g.1) “Managing Director” means the individual who holds the office of Managing Director of the Agency by virtue of an appointment under section 3.1(2), and includes any individual acting in that capacity;

(e) in clause (i)

- (i) **by striking out** “city, town, village, municipal district,” **and substituting** “municipality within the meaning of the *Municipal Government Act* or an”;
- (ii) **by striking out** “, but does not include the area comprising a summer village”.

4 Section 3 is amended by adding the following after subsection (4):

- (5) The Minister may in writing delegate to the Managing Director any power or duty conferred or imposed on the Minister by or under this Act, except the power or duty to make regulations within the meaning of the *Regulations Act*.

5 The following is added before section 4:

Emergency Management Alberta Agency

- 3.1(1)** There shall be a part of the public service of Alberta known as the “Alberta Emergency Management Agency”.

- (iii) *in the case of a special area, the Minister responsible for the Special Areas Act,*
 - (iv) *the settlement council of a settlement under the Metis Settlements Act,*
 - (v) *the park superintendent of a national park or the superintendent's delegate where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, or*
 - (vi) *the band council of an Indian band where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the band council is a local authority for the purposes of this Act;*
- (i) *“municipality” means the area comprising a city, town, village, municipal district, improvement district or special area 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 9(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, and*
 - (iii) *the area comprising an Indian reserve where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the band council is a local authority for the purposes of this Act,*
- but does not include the area comprising a summer village.*

4 Delegation to Managing Director.

5 Alberta Emergency Management Agency as part of Alberta's public service.

(2) In accordance with the *Public Service Act*, there shall be appointed a Managing Director and such officers and employees of the Crown in right of Alberta as the Minister considers are required for the administration of the business and affairs of the Agency.

6 Section 5(1) is amended by striking out “Deputy Minister” and substituting “Managing Director”.

7 Section 6(b) is amended by adding “subject to section 3(5),” before “delegating”.

8 Section 10(1)(b) is amended by striking out “Deputy Minister” and substituting “Managing Director”.

9 Section 11(d), (e) and (f) are amended by striking out “disaster services” wherever it occurs and substituting “emergency management”.

6 Section 5(1) presently reads:

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

7 Section 6 presently reads in part:

6 The Lieutenant Governor in Council may make regulations

(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;

8 Section 10(1) presently reads in part:

10(1) The Minister may, by order,

(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 Deputy Minister for review;

9 Section 11 presently reads in part:

11 The local authority of each municipality

(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;

10 Section 15(1) is amended by striking out “is the Minister” and substituting “is any of them”.

11 Section 19(5) is amended by striking out “Deputy Minister” wherever it occurs and substituting “Managing Director”.

12 The *Local Authorities Election Act* is amended in section 22(4)(g) by striking out “*Disaster Services Act*” and substituting “*Emergency Management Act*”.

13 The *Workers’ Compensation Act* is amended in section 14(4) by striking out “*Disaster Services Act*” and substituting “*Emergency Management Act*”.

- (e) *in the case of a municipality other than an improvement district, special area, national park or Indian reserve, may by bylaw that is not advertised borrow, levy, appropriate and expend 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;*

10 Section 15 presently reads:

15(1) Neither the Minister nor any official or other person acting under the Minister's direction or authorization is liable for damage caused through any action under this Act or the regulations, nor is the Minister subject to any proceedings by way of prohibition, certiorari, mandamus or injunction.

(2) Notwithstanding subsection (1), the Minister or any official or other person acting under the Minister's direction or authorization is liable for gross negligence in carrying out duties under this Act or the regulations.

11 Section 19(5) presently reads:

(5) On the making of an order under section 18(1), the Deputy Minister 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 Deputy Minister or other person appointed.

12 Consequential change to Local Authorities Election Act.

13 Consequential change to Workers' Compensation Act.

