

2018 Bill 8

Fourth Session, 29th Legislature, 67 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

EMERGENCY MANAGEMENT AMENDMENT ACT, 2018

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 8

2018

EMERGENCY MANAGEMENT AMENDMENT ACT, 2018

(Assented to _____, 2018)

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

Amends RSA 2000 cE-6.8

1 The *Emergency Management Act* is amended by this Act.

2 Section 1 is amended

(a) **in clauses (e) and (f) by adding “or the environment” after “damage to property”;**

(b) **by adding the following after clause (f):**

(f.1) “evacuation order” means an evacuation order made under section 19(1)(g) or section 24(1)(b);

(c) **by repealing clause (g.1) and substituting the following:**

(g.1) “Managing Director” means the person designated under section 3.1(2), and includes any person acting in the capacity of the Managing Director;

3 Section 3 is amended by renumbering it as section 3(1) and by adding the following after subsection (1):

(2) In a proceeding under this Act in which proof is required as to the existence and contents of a declaration or order made

Explanatory Notes

1 Amends chapter E-6.8 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(e) “disaster” means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property;

(f) “emergency” means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property;

(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;

3 Section 3 presently reads:

3 If the Minister authorizes a person to carry out a power or duty of the Minister under this Act as the Minister responsible for this Act or as a local authority and the authorization

under this Act, a certified or notarized copy of the declaration or order is admissible in evidence as proof of the statements contained in the declaration or order, and proof of the signature of the Minister or members of the local authority is not required.

4 Section 3.1 is repealed and the following is substituted:

Alberta Emergency Management Agency

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

(2) The Minister shall designate a person employed in the Minister’s department as the Managing Director of the Agency.

(3) In accordance with the *Public Service Act*, there may be appointed such officers and employees that the Minister considers are required for the administration of the business and affairs of the Agency.

5 Section 6(b) is repealed.

- (a) *is made in writing,*
- (b) *purports to be signed by the Minister responsible for the Municipal Government Act or the Minister responsible for the Special Areas Act, and*
- (c) *states that the person named in it is authorized under this section to carry out the power or duty set out in the written authorization,*

that written authorization or a copy of it shall be admitted in evidence as proof, in the absence of evidence to the contrary, of that person's authorization to carry out the power or duty without proof of the signature or official character of the Minister.

4 Section 3.1 presently reads:

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

(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.

5 Section 6 presently reads in part:

6 The Lieutenant Governor in Council may make regulations

- (b) *delegating any power or duty of the Minister or the Lieutenant Governor in Council under this Act except*
 - (i) *a power or duty of the Minister that has been delegated by the Minister,*
 - (ii) *the power to make regulations, and*
 - (iii) *the power to make an order declaring a state of emergency;*

6 The following is added after section 7:

Local authority emergency management regulations

7.1 The Lieutenant Governor in Council may make regulations

- (a) respecting the powers, duties and functions of local authorities under this Act;
- (b) respecting the establishment of emergency advisory committees referred to in section 11.1, including the duties and functions of the committees;
- (c) respecting the establishment of emergency management agencies referred to in section 11.2, including the duties and functions of the agencies;
- (d) respecting the delegation of a local authority's powers or duties under this Act and the regulations;
- (e) respecting training requirements for persons designated by the regulations;
- (f) respecting the preparation, approval, maintenance and co-ordination of local authority emergency plans and programs;
- (g) respecting the conduct of exercises relating to emergency plans.

7 Section 11(b) is repealed and the following is substituted:

- (b) shall approve emergency plans and programs, subject to the regulations;

8 Section 11.1(1) is repealed and the following is substituted:

Emergency advisory committee

11.1(1) A local authority shall appoint, subject to the regulations, an emergency advisory committee consisting of a member or members of the local authority or, in the case of an improvement district, a special area or a national park, a person

6 Local authority emergency management regulations.

7 Section 11 presently reads in part:

11 A local authority

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

8 Section 11.1(1) presently reads:

11.1(1) Each local authority shall appoint an emergency advisory committee consisting of a member or members of the local authority or, in the case of an improvement district, a special area or a national park, a person or persons the local authority designates, to advise on the development of emergency plans and programs.

or persons the local authority designates, to advise on the development of emergency plans and programs, and to exercise any powers delegated to the committee under section 11.3(1)(a).

9 Section 11.2(1) is repealed and the following is substituted:

Emergency management agency

11.2(1) A local authority shall establish and maintain, subject to the regulations, an emergency management agency to act as the agent of the local authority in exercising the local authority's powers and duties under this Act.

10 Section 11.3(1) is repealed and the following is substituted:

Delegation by local authority

11.3(1) A local authority may delegate some or all of the local authority's powers or duties under this Act to

- (a) a committee composed of a member or members of the local authority, including an emergency advisory committee appointed under section 11.1(1), and
- (b) subject to the regulations, one or more of the following:
 - (i) a regional services commission established under the *Municipal Government Act* representing 2 or more local authorities if the regional services commission is authorized in its establishing regulation to exercise that power or duty;
 - (ii) if authorized by order of the Minister, a joint committee representing 2 or more local authorities that is composed of one or more members appointed by each of the local authorities;
 - (iii) in the case of a summer village and if authorized by order of the Minister, another local authority.

(1.1) Where, under subsection (1)(b)(iii), a summer village has delegated its powers or duties under this Act to a local

9 Section 11.2(1) presently reads:

11.2(1) A local authority shall maintain an emergency management agency to act as the agent of the local authority in exercising the local authority's powers and duties under this Act.

10 Section 11.3(1) presently reads:

11.3(1) Without limiting section 9 of the Government Organization Act, a local authority may delegate the local authority's powers or duties under this Act to

- (a) a regional services commission established under the Municipal Government Act representing 2 or more local authorities if the regional services commission is authorized in its establishing regulation to exercise that power or duty;*
- (b) if authorized by ministerial order, a joint committee representing 2 or more local authorities that is composed of one or more members appointed by each of the local authorities;*
- (c) in the case of a summer village and if authorized by ministerial order, another local authority.*

authority, the local authority may subdelegate those powers or duties to a committee composed of a member or members of that local authority, including an emergency advisory committee appointed under section 11.1(1).

11 Section 17 is repealed and the following is substituted:

Offence

17 Any person who

- (a) contravenes this Act or the regulations,
- (b) fails to comply with an evacuation order, or
- (c) interferes with or obstructs any person in the carrying out of a power or duty under this Act or the regulations

is guilty of an offence and liable to imprisonment for a term of not more than one year or to a fine of not more than \$10 000 or to both imprisonment and a fine.

12 Section 17.1(2)(a) and (b) are amended by striking out “crisis management plan” and substituting “consequence management plan for human-induced intentional threats”.

13 Section 19 is amended

- (a) in subsection (1)(g) by striking out “cause” and substituting “order”;

11 Section 17 presently reads:

17 Any person who

- (a) contravenes this Act or the regulations, or*
- (b) interferes with or obstructs any person in the carrying out of a power or duty under this Act or the regulations,*

is guilty of an offence and liable to imprisonment for a term of not more than one year or to a fine of not more than \$10 000 or to both imprisonment and fine.

12 Section 17.1 presently reads:

17.1(1) Terms used in this section have the same meaning as is assigned to them in the Freedom of Information and Protection of Privacy Act.

(2) The Freedom of Information and Protection of Privacy Act does not apply in respect of information in a record that is in the possession of a public body where the information

- (a) is used or to be used for the purpose of preparing or administering a crisis management plan under a regulation under this Act, or*
- (b) forms part of a crisis management plan under a regulation under this Act.*

13 Section 19 presently reads in part:

19(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:

(b) by repealing subsection (5) and substituting the following:

(5) On the making of an order under section 18(1), the Managing Director is, unless the Minister authorizes another person under subsection (6), responsible for the co-ordination and implementation of the 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 Managing Director.

(6) The Minister may, by order, authorize another person to be responsible for the co-ordination and implementation of the 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 that person.

(7) On the making of an order under section 18(1), the Minister may, by order, authorize the Managing Director or any other person to exercise some or all of the powers given to the Minister under subsection (1).

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

14 The following is added after section 19:

Compliance with evacuation order

19.1(1) If an evacuation order is made, every person within the area that is the subject of the evacuation order must leave the area

- (a) immediately, or
- (b) if a deadline for evacuation is specified in the evacuation order, by that deadline.

(2) Subsection (1) does not apply to a person acting under the direction of a person exercising powers under section 19(1) or 24(1)(b), as the case may be, so long as there is a plan for safely evacuating that person in a timely manner and the means available to carry out the plan.

(g) cause the evacuation of persons and the removal of livestock and personal property from any area of Alberta that 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;

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

14 Compliance with evacuation order.

15 Section 25 is repealed and the following is substituted:

Dispute re compensation amount

25(1) If any dispute arises concerning the amount of compensation payable under section 19(3) or 24(1.1), the matter shall be determined by arbitration and the *Arbitration Act* applies.

(2) For greater certainty, arbitration is not available to contest eligibility for compensation under this Act or the regulations.

16 Section 27 is amended by adding “, including a power or duty under section 19(1)(g) or 19.1 of this Act” after “regulations”.

17 Section 28 is amended by adding “including a power or duty under section 19(1)(g) or 19.1 or the exercise of the powers under section 24(1)(b) of this Act,” after “regulations”.

15 Section 25 presently reads:

25 If any dispute arises concerning the amount of compensation payable under this Act, the matter shall be determined by arbitration and the Arbitration Act applies.

16 Section 27 presently reads:

27 No action lies against the Minister or a person acting under the Minister's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations.

17 Section 28 presently reads:

28 No action lies against a local authority or a person acting under the local authority's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations during a state of local emergency.

