

2024 Bill 21

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First Session, 31st Legislature, 2 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 21

## EMERGENCY STATUTES AMENDMENT ACT, 2024

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THE MINISTER OF PUBLIC SAFETY AND EMERGENCY SERVICES

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 21*

## **BILL 21**

2024

### **EMERGENCY STATUTES AMENDMENT ACT, 2024**

*(Assented to , 2024)*

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

#### **Alberta Senate Election Act**

**Amends SA 2019 cA-33.5**

**1(1) The *Alberta Senate Election Act* is amended by this section.**

**(2) Section 5(3)(a) is amended by striking out “April 1” and substituting “on the fourth Monday in August”.**

#### **Election Act**

**Amends RSA 2000 cE-1**

**2(1) The *Election Act* is amended by this section.**

## **Explanatory Notes**

### **Alberta Senate Election Act**

**1(1)** Amends chapter A-33.5 of the Statutes of Alberta, 2019.

(2) Section 5(3)(a) presently reads:

*(3) Where an election under this Act is to be held in conjunction with a general election under the Election Act,*

*(a) in the case of a general election held in accordance with section 38.1(2) of the Election Act, the order under subsection (1) shall be made at any time during the period commencing April 1 in the year in which the general election is held and ending on the day the writs are issued for the general election,*

### **Election Act**

**2(1)** Amends chapter E-1 of the Revised Statutes of Alberta.

**(2) Section 38.1(2) is amended by striking out “last Monday in May” and substituting “third Monday in October”.**

**(3) Section 116(2.1)(a)(i) is amended by striking out “March 1” and substituting “the third Monday in July”.**

### **Election Finances and Contributions Disclosure Act**

**Amends RSA 2000 cE-2**

**3(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.**

**(2) Sections 44.1(1)(d.1)(i) and 44.11(1)(a)(i) are amended by striking out “January 1” and substituting “the fourth Monday in May”.**

(2) Section 38.1(2) presently reads:

*(2) Subject to subsection (1), election day for a general election shall be the last Monday in May in the 4th calendar year following the election day of the most recent general election.*

(3) Section 116(2.1)(a)(i) presently reads:

*(2.1) An application referred to in subsection (2) may be made to the returning officer or Chief Electoral Officer*

*(a) in the case of a general election held in accordance with section 38.1(2),*

*(i) no earlier than March 1 in the year in which the election is held, and*

### **Election Finances and Contributions Disclosure Act**

**3(1)** Amends chapter E-2 of the Revised Statues of Alberta 2000.

(2) Sections 44.1(1)(d.1)(i) and 44.11(1)(a)(i) presently read:

*44.1(1) In this Part and in section 9.1,*

*(d.1) “election advertising period” means*

*(i) in the case of a general election held in accordance with section 38.1(2) of the Election Act, the period commencing on January 1 in the year in which the general election is held and ending at the end of the election day,*

*44.11(1) A registered third party shall not incur election advertising expenses,*

*(a) if the general election is held in accordance with section 38.1(2) of the Election Act,*

*(i) in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on January 1 in the year in which the general election is held and ending at the end of the day preceding the day the writ is issued, and*

## **Emergency Management Act**

### **Amends RSA 2000 cE-6.8**

**4(1) The *Emergency Management Act* is amended by this section.**

**(2) Section 1(2) is amended by striking out “and” at the end of clause (a) and by adding the following after clause (a):**

- (a.1) made under section 22(2) or (3.2) or 24(1.01), (1.011), (1.013) or (1.02) includes an order made by the Managing Director or any other person authorized to make that order under section 24(1.015), and

**(3) Section 7.1 is amended by adding the following after clause (c):**

- (c.1) respecting reporting by a local authority under section 11.21;

**(4) Section 11(a) is amended by striking out “unless the Government assumes direction and control under section 19(5.1) or 22(3.1)” and substituting “unless section 19(5.1) applies or except to the extent provided in an order made under section 24(1.01) or (1.011)”.**

**(5) The following is added after section 11.2:**

#### **Reporting to the Minister**

**11.21(1)** A local authority shall report to the Minister the following in respect of a state of local emergency, a disaster or emergency, emergency planning or any other activity by a local authority referred to in this Act:

- (a) any information required by the Minister at the times required by the Minister;
- (b) any information prescribed by the regulations at the times prescribed by the regulations.

## Emergency Management Act

4(1) Amends chapter E-6.8 of the Revised Statutes of Alberta 2000.

(2) Section 1(2) presently reads in part:

*(2) For greater certainty, a reference in this Act to an order*

*(a) made under section 19(1) or (1.1) includes an order made by the Managing Director or any other person authorized to make that order under section 19(7), and*

(3) Adds regulation-making authority.

(4) Section 11(a) presently reads:

*11 A local authority*

*(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 19(5.1) or 22(3.1);*

(5) Reporting to the Minister.

(2) The Minister, by order, may authorize the Managing Director or any other person to receive reports under this section and to exercise the power given to the Minister under subsection (1).

**(6) Section 17(b.1) is amended by striking out “or” at the end of subclause (i), by adding “or” at the end of subclause (ii) and by adding the following after subclause (ii):**

(iii) under section 24(1.01) or (1.011) with respect to the matters referred to in section 19(1)(d), (e), (f), (j) or (k) or (1.1),

**(7) Section 19 is amended**

**(a) by adding the following after subsection (3):**

**(3.1)** Notwithstanding subsection (3), the Minister has no obligation to pay compensation in respect of real or personal property described in subsection (3) that is acquired, utilized, damaged or destroyed as a result of an action taken, or a decision to not take action, under the *Forest and Prairie Protection Act*.

**(b) in subsection (5) by striking out “pursuant to this Act” and substituting “pursuant to this Act, except to the extent provided in an order made under section 24(1.01) or (1.011)”.**

**(8) Section 19.1(2) is amended by striking out “section 19(1) or 24(1)(b)” and substituting “section 19(1) or 24(1)(b) or (1.011)”.**

**(9) Section 21(2) is repealed and the following is substituted:**

(2) A declaration of a state of local emergency under subsection (1) must identify

(a) the nature of the emergency,



(6) Section 17(b.1) presently reads:

*17 Any person who*

*(b.1) fails to comply with an order made*

*(i) under section 19(1)(d), (e), (f), (j) or (k) or 24(1)(b) with respect to the matters referred to in section 19(1)(d), (e), (f), (j) or (k), or*

*(ii) under section 19(1.1),*

*or*

(7) Section 19 presently reads in part:

*(3) If the Minister acquires or utilizes real or personal property under subsection (1) or if any real or personal property is damaged or destroyed due to an action of the Minister in preventing, combating or alleviating the effects of an emergency or disaster, the Minister shall cause compensation to be paid for it.*

*(5) Subject to subsection (5.1), on the making of an order under section 18(1) respecting an emergency in respect of which a state of local emergency has been declared, the local authority is responsible in the municipality for the co-ordination and implementation of the necessary plans or programs prepared pursuant to this Act.*

(8) Section 19.1(2) presently reads:

*(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.*

(9) Section 21(2) presently reads:

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

- (b) the area of the municipality in which the emergency exists or may exist, and
- (c) which powers referred to in section 24(1)(b) the local authority anticipates exercising during the state of local emergency.

**(2.1)** An identification of powers under subsection (2)(c) does not preclude the local authority from exercising any other power the local authority has available to it in the circumstances.

**(10) Section 22 is amended**

**(a) in subsection (2) by striking out “Minister may cancel” and substituting “Minister, by order, may amend or cancel”;**

**(b) by adding the following after subsection (3.1):**

**(3.2)** If an order referred to in subsection (3.1) does not provide that the declaration of a state of local emergency ceases to be of any force or effect, the Minister, by order, may amend or cancel the declaration of a state of local emergency.

**(c) in subsection (5) by striking out “and section 21(3)” and substituting “and sections 21(3) and 24”;**

**(d) by adding the following after subsection (5):**

**(6)** The *Regulations Act* does not apply to an order made under subsection (2) or (3.2).

**(11) Section 23 is amended by adding the following after subsection (2):**

**(3)** The local authority shall notify the Minister forthwith after the termination of a declaration of a state of local emergency.

**(12) Section 24 is amended**

**(a) by adding the following after subsection (1.01):**

**(1.011)** During a state of local emergency, the Minister, by order, may assume control of any or all of the powers of a local authority under this section in respect of a state of local emergency, and in so doing, the Minister may also exercise the power given to the Minister under section 19(1.1).

**(1.012)** If an order is made under subsection (1.011),

(10) Section 22 presently reads in part:

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

*(3.1) If a declaration of a state of local emergency has been made, an order under section 18(1) for a state of emergency by the Lieutenant Governor in Council relating to the same area of the municipality may provide that the declaration of a state of local emergency ceases to be of any force or effect.*

*(5) This section and section 21(3) apply to any renewal of a state of local emergency.*

(11) Requires local authority to notify Minister of termination of state of local emergency.

(12) Section 24 presently reads in part:

*(1.01) Despite subsection (1)(b) and (c), the Minister may, by order, restrict, prohibit or terminate the exercise*

*(a) by a local authority of any power given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration of a state of local emergency, or*

*(b) by a person authorized by a local authority to exercise, in the operation of an emergency plan or program, any power given*

- (a) section 22(4) does not apply,
- (b) the local authority shall not terminate the declaration of a state of local emergency under section 23(1),
- (c) the Minister may make any subsequent order under subsection (1.011) that the Minister considers appropriate in the circumstances,
- (d) the declaration of the state of local emergency lapses,
  - (i) if only one order is made under subsection (1.011), at the end of 28 days from the order, or at the end of 90 days from the order if the state of local emergency is in respect of a pandemic, or
  - (ii) if more than one order is made under subsection (1.011), at the end of 28 days from the first order, or at the end of 90 days from the first order if the state of local emergency is in respect of a pandemic,unless the state of local emergency ceases to be of any force or effect as referred to in section 22(3.1) or is earlier cancelled by the Minister,

and

- (e) the times referred to in clause (d) shall not be extended.

**(1.013)** When, in the opinion of the Minister, an emergency no longer exists in all or any part of a municipality in relation to which an order under subsection (1.011) was made, the Minister, by order, shall terminate the declaration of a state of local emergency in respect of that municipality or part of the municipality.

**(1.014)** Immediately after an order is made under subsection (1.011) or (1.013), the Minister shall cause the details of the order to be published by any means of communication that the Minister considers is most likely to make known to the majority of the population of the area affected the contents of the order.

**(1.015)** The Minister, by order, may authorize the Managing Director or any other person to exercise some or all of the powers given to the Minister under section 22 and this section.

*to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.*

*(1.03) The Regulations Act does not apply to an order made under subsection (1.01) or (1.02).*

**(b) in subsection (1.03) by striking out “(1.01) or (1.02)” and substituting “(1.01), (1.011), (1.013) or (1.02)”.**

**(13) The following is added after section 24:**

**Compensation payable**

**24.1(1)** A local authority remains responsible to cause compensation to be paid under section 24(1.1) whether real or personal property is acquired, utilized, damaged or destroyed due to an action of a local authority referred to in that section or an action of the Minister as a result of an order made under section 24(1.011), unless the Minister makes an order under subsection (2).

**(2)** The Minister, by order, may

- (a)** assume responsibility from the local authority for causing some or all compensation referred to in subsection (1) to be paid due to an action of the Minister, or
- (b)** reimburse the local authority for some or all compensation caused to be paid by the local authority under subsection (1) due to an action of the Minister.

**(3)** For greater certainty, the Minister has no obligation to cause compensation to be paid in respect of a state of local emergency or reimburse the local authority unless an order is made under subsection (2).

**(4)** The *Regulations Act* does not apply to an order made under subsection (2).

**(14) Section 27 is amended by striking out “of this Act” and substituting “, and any of those powers or duties exercised as a result of an order made under section 24(1.011)”.**

**Forest and Prairie Protection Act**

**Amends RSA 2000 cF-19**

**5(1) The *Forest and Prairie Protection Act* is amended by this section.**

(13) Compensation payable.

(14) 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, including a power or duty under section 19(1)(d), (e), (f), (g), (j) or (k) or (1.1) or 19.1 of this Act.*

### **Forest and Prairie Protection Act**

**5(1)** Amends chapter F-19 of the Revised Statutes of Alberta 2000.

**(2) Section 1 is amended**

**(a) by adding the following after clause (b.1):**

(b.2) “Metis settlement” means a corporation established by section 2(1) of the *Metis Settlements Act*;

**(b) by repealing clause (d);**

**(c) by adding the following before clause (e):**

(d.1) “municipality” means a rural municipality or an urban municipality;

**(d) by adding the following after clause (g.1):**

(g.2) “rural municipality” means a municipal district, special area, improvement district or specialized municipality, except for that part of a specialized municipality that is an urban municipality;

(g.3) “settlement area” means a settlement area as defined in the *Metis Settlements Act*;

**(3) Section 4(2) and (3) are amended by striking out “municipal district” wherever it occurs and substituting “rural municipality”.**

**(4) Section 6 is amended**

**(a) by striking out “or” at the end of clause (c);**

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

(d) with a municipality with respect to land within its boundaries or under its control, or



(2) Section 1 presently reads in part:

*1 In this Act,*

*(d) "municipal district" includes a special area;*

(3) Section 4(2) and (3) presently read:

*(2) Each year in time for the beginning of the fire season, the council of a municipal district shall appoint, for a term not exceeding one year, with effect from the beginning of the fire season, a sufficient number of fire guardians to enforce this Act within the boundaries of the municipal district, except that part of the municipal district that is within a forest protection area.*

*(3) The chief elected official, each councillor and the chief administrative officer are by virtue of their offices fire guardians in and for the municipal district except that part of the municipal district that is within a forest protection area.*

(4) Section 6 presently reads in part:

*6 The Minister may, with a view to ensuring the prevention and control of forest and prairie fires, enter into an agreement, known as a fire control agreement,*

*(c) with the government of any province or territory, or*

- (c) with a Metis settlement with respect to its settlement area.

**(5) Section 7(1) is amended by striking out “municipal district” wherever it occurs and substituting “rural municipality”.**

**(6) The following is added after section 7:**

**Reporting to the Minister**

**7.1** A municipality shall report to the Minister any information requested by the Minister, at the times required by the Minister, in respect of

- (a) any fires within the municipality, and
- (b) the municipality’s fire control activities.

**(7) Section 8(1) is amended by striking out “municipal district” wherever it occurs and substituting “rural municipality”.**

**(8) Section 9 is amended**

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

**Fire control by the Minister**

**9(1)** The Minister may take any action to fight a fire on any land, including land within a municipality or settlement area, when

- (a) the Minister considers it to be in the public interest to do so, or
- (b) the municipality or Metis settlement requests the Minister to do so.

(d) *with the council of a municipal district or urban municipality with respect to land within its boundaries or under its control.*

(5) Section 7(1) presently reads:

*7(1) The council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district except that part of the municipal district that is within a forest protection area, and the costs and expenses shall be paid by the municipal district, subject to its right to recover them under section 9(3).*

(6) Reporting to the Minister.

(7) Section 8(1) presently reads:

*8(1) The Minister is not obligated to reimburse a municipal district for any money spent by it in controlling or extinguishing a fire on any land but the Minister may reimburse the council of a municipal district for any part of the costs and expenses in controlling or extinguishing a fire on unoccupied public land.*

(8) Section 9 presently reads:

*9(1) The Minister may fight a fire within a municipal district or an urban municipality where it appears to the Minister that satisfactory action to control and extinguish the fire is not being taken by that municipality and that the fire might damage public land.*

*(2) Where the Minister incurs costs and expenses as a result of fighting a fire within a municipal district or urban municipality under subsection (1), that municipality shall on demand reimburse the Minister for the entire cost or such part of it as the Minister directs.*

*(3) The persons who are responsible for a fire shall on demand reimburse the Minister, the municipal district or the urban*

**(1.1)** The Minister may require a municipality to do any one or more of the following:

- (a) follow the directions of the Minister with respect to fighting a fire within the boundaries of the municipality;
- (b) turn over to the Minister control of the efforts to fight a fire within the boundaries of the municipality;
- (c) place any of the municipality's firefighters and equipment, and any other persons and equipment under the municipality's control that are considered necessary to fight a fire, under the control of the Minister;
- (d) instruct the municipality's firefighters, and other persons under the municipality's control that are considered necessary to fight a fire, to follow the directions of the Minister with respect to fighting a fire.

**(b) in subsection (2) by striking out** "municipal district or urban municipality" **and substituting** "municipality";

**(c) in subsection (3) by striking out** " , the municipal district or the urban municipality" **and substituting** "or the municipality";

**(d) by adding the following after subsection (3):**

**(4)** The Minister may authorize or require a municipality or Metis settlement to put a fire fighting plan or program into operation.

**(5)** After taking any action under subsection (1) or (1.1) with respect to any land, the Minister may remain on or re-enter that land for either or both of the following purposes:

- (a) investigating the cause of the fire;
- (b) reclaiming or restoring the land.

**(9) The following is added after section 9:**

**Fire control on federal lands**

**9.1(1)** The Minister may fight a fire on land owned by the Government of Canada in accordance with any applicable fire control agreement or if requested to do so by the Government of Canada.

*municipality, as the case may be, for the costs and expenses of fighting the fire.*

(9) Fire control on federal lands.

(2) After taking any action under subsection (1) with respect to the land, the Minister may, in accordance with any applicable fire control agreement, remain on or re-enter the land for either or both of the following purposes:

- (a) investigating the cause of the fire;
- (b) reclaiming or restoring the land.

**(10) Section 10 is amended by striking out “municipal district” wherever it occurs and substituting “rural municipality”.**

**(11) The following is added after section 10:**

**Relationship to Emergency Management Act**

**10.1** When undertaking fire control activities during a state of emergency declared under the *Emergency Management Act*, the Minister is not, and shall not be deemed to be, acting under the *Emergency Management Act* unless those fire control activities are specifically directed or authorized by order made under section 19 of that Act.

**(12) Section 11(3)(b) is amended by striking out “municipal district or urban municipality” and substituting “municipality”.**

(10) Section 10 presently reads:

*10(1) If the council of a municipal district finds within its boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard or a burning hazard, it may order the owner or the person in control of the land on which the hazard exists to reduce, remove or eliminate the hazard within a fixed time and in a manner prescribed by the council.*

*(2) When the council of a municipal district finds that the order it made pursuant to subsection (1) has not been carried out, it may enter on the land with any equipment and persons it considers necessary and may perform the required work.*

*(3) The owner or the person in control of the land on which work was performed pursuant to subsection (2) shall on demand reimburse the council of the municipal district for the cost of the work performed and in default of payment the council has a lien for the amount against the land and improvements on it.*

(11) Relationship to Emergency Management Act.

(12) Section 11(3)(b) presently reads:

*(3) Where a fire originates in the right of way, or within the distance prescribed by the regulations outside each boundary of the right of way, on which the track rails are located,*

*(b) the Crown, or a municipal district or urban municipality in the case of a fire within its boundaries, may take action to*

**(13) Section 19(2) is amended**

- (a) by striking out “a municipal council” and substituting “the council of a rural municipality”;**
- (b) by striking out “municipal district” wherever it occurs and substituting “rural municipality”.**

**(14) The following is added after section 23:**

**Demolition or removal of trees, structures or crops**

**23.1** The Minister may cause or authorize the demolition or removal of trees, structures or crops if the Minister determines the demolition or removal is required in order to

- (a) reach the location of a fire hazard or a burning hazard,
- (b) reduce, remove or eliminate a fire hazard or a burning hazard, or
- (c) fight a fire in any manner not covered in clause (b).

**Statutory authorization not required**

**23.2** For the purpose of fighting a fire, including to forestall its occurrence or to combat its progress, the Minister or any person acting under the authorization or direction of the Minister is exempt from any requirement to apply for or obtain any permit, licence, registration, approval, authorization, disposition, certificate, allocation or instrument required or issued under the *Environmental Protection and Enhancement Act, Forests Act, Provincial Parks Act, Public Lands Act, Water Act or Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*.

**(15) Section 40 is amended by striking out “section 5” and substituting “sections 5 and 40.1”.**

**(16) Section 40.1 is repealed and the following is substituted:**



*fight the fire if no satisfactory action to fight it has yet been taken by the railway operators.*

(13) Section 19(2) presently reads:

*(2) A fire guardian appointed by a municipal council may in the fire guardian's discretion issue to an applicant a fire permit in respect of any land within the boundaries of that municipal district except that part of the municipal district that is within a forest protection area.*

(14) Demolition or removal of trees, structures or crops; statutory authorization not required.

(15) Section 40 presently reads:

*40 Subject to section 5, the common law right to bring and maintain a civil action for damages caused by fire is not affected by this Act.*

(16) Section 40.1 presently reads:

*40.1 No action lies and no proceeding may be brought against the Crown, the Minister, a director or a forest officer, or any person acting under the direction of the Crown, the Minister, a director or a*

**Protection from liability**

**40.1** No action lies and no proceeding may be brought against the Crown, the Minister, a director, a forest officer, a fire guardian or any person acting under the direction of the Crown, the Minister, a director, a forest officer or a fire guardian, for damages resulting from anything done or not done, including orders or decisions under this Act, while the Crown, the Minister, the director, the forest officer, the fire guardian or the person are acting in good faith.

**Water Act**

**Amends RSA 2000 cW-3**

**6(1) The *Water Act* is amended by this section.**

**(2) Section 100 is amended by adding “, other than a water management order issued under section 107(2.1)(a)(ii),” after “water management order”.**

**(3) Section 107(1) and (2) are repealed and the following is substituted:**

**Declaring an emergency**

**107(1)** When satisfied that an emergency related to water exists or may exist, the Lieutenant Governor in Council may, by order, declare an emergency relating to all or any part of Alberta.

**(2)** Notwithstanding anything in this Act, if an emergency has been declared under subsection (1),

- (a) an inspector, for the duration of the emergency and with respect to the area of the Province affected by the declaration, shall not issue a water management order under section 97(1)(a), and
- (b) the Director, for the duration of the emergency and with respect to the area of the Province affected by the declaration, shall not

*forest officer, for damages resulting from any order or decision under this Act or the regulations made in good faith by the Crown, the Minister, the director, the forest officer or the person.*

## **Water Act**

**6(1)** Amends chapter W-3 of the Revised Statutes of Alberta 2000.

(2) Section 100 presently reads:

*100 If a water management order is directed to more than one person, all persons named in the order*

- (a) are jointly responsible for carrying out the order, and*
- (b) are jointly and severally liable for payment of the costs of doing so, including any costs incurred by the Director under section 103 or 104.*

(3) Section 107(1) and (2) presently read:

*107(1) The Lieutenant Governor in Council may, when satisfied that an emergency related to water exists or may exist, declare an emergency relating to all or any part of Alberta.*

*(2) Notwithstanding anything in this Act or any approval, preliminary certificate, licence or registration under this Act, if an emergency has been declared under subsection (1), the Director may issue a water management order to any person*

- (a) suspending the operation of all or part of any approval, preliminary certificate, licence or registration,*
- (b) suspending a diversion of water,*
- (c) designating the purposes for which, and the volumes in which, water may be diverted or used, and*

- (i) administer priorities under section 32,
- (ii) withhold water under section 83(1) with respect to a transfer, made for a specified period of time, of an allocation of water under a licence, or
- (iii) issue a water management order under section 97(1)(a).

**(2.1)** Notwithstanding anything in this Act, including section 18(2)(b), or any approval, preliminary certificate, licence or registration under this Act, if an emergency has been declared under subsection (1),

- (a) the Director, for the duration of the emergency and with respect to the area of the Province affected by the declaration, may issue a water management order to
  - (i) any person
    - (A) suspending the operation of all or part of any approval, preliminary certificate, licence or registration,
    - (B) suspending a diversion of water,
    - (C) designating the purposes for which, and the volumes in which, water may be diverted or used, and
    - (D) ordering or containing any of the measures or provisions referred to in section 99,

and
  - (ii) one or more classes of licensees ordering the licensees to do any or all of the following:
    - (A) install water measurement equipment at one or more specified locations;
    - (B) measure the rate of flow of water at one or more specified locations;
    - (C) measure the water level of a water body at one or more specified locations;
    - (D) stop diverting water;

*(d) ordering or containing any of the measures or provisions referred to in section 99,*

*with respect to the area of the Province affected by the declaration.*

- (E) carry out specified monitoring and reporting;
- (F) comply with any or all of the following:
  - (I) a specified flow rate, as measured at one or more specified locations, at which the diversion of water under their respective licences must stop;
  - (II) a specified level of water, as measured at one or more specified locations, at which the diversion of water under their respective licences must stop;
  - (III) a specified decrease in the volume of water that may be diverted under their respective licences;
  - (IV) a specified rate for the diversion of water under their respective licences;
  - (V) specified timing for the diversion of water under their respective licences,

and

- (b) the Lieutenant Governor in Council, for the duration of the emergency and with respect to the area of the Province affected by the declaration, may, by order,
  - (i) designate the priority of diversions or uses of water according to the purpose for which a person is authorized to divert or use water under this Act,
  - (ii) authorize the Director to issue one or more licences to authorize the transfer of water for a specified period of time between major river basins in the Province for the purposes of human health, raising animals or public safety needs without a special Act of the Legislature,
  - (iii) exempt, with respect to specified classes and types of applications under this Act,
    - (A) applicants from the requirement to provide notice under section 108(1), and
    - (B) the Director from the requirement to provide notice under section 108(2),



and

- (iv) authorize the Minister to do either or both of the following to prevent, combat or alleviate the effects of the emergency:
  - (A) acquire or use any real or personal property;
  - (B) authorize the entry into any building or on any land, without warrant, by any person.

**(2.2)** As it relates to the acquisition of real property, subsection (2.1)(b)(iv)(A) does not apply to real property located within a national park or an Indian reserve.

**(2.3)** If the Minister acquires or uses real or personal property under subsection (2.1)(b)(iv)(A), or if any real or personal property is damaged or destroyed due to an action of the Minister in preventing, combating or alleviating the effects of an emergency declared under subsection (1), the Minister may pay compensation for any losses incurred as a result of the action in the manner and amount that the Lieutenant Governor in Council considers appropriate.

**(2.4)** Notwithstanding anything in this Act, the *Environmental Protection and Enhancement Act*, the *Public Lands Act* or any other Act, if an emergency has been declared under subsection (1), the Lieutenant Governor in Council, for the duration of the emergency and with respect to the area of the Province affected by the declaration, may, by order, exempt, as the Lieutenant Governor in Council considers necessary and with respect to a specified class or type of flood or drought control, management or mitigation measures, all persons from requiring a permit, licence, registration, approval, authorization, disposition, certificate, allocation or instrument issued under or authorized by this Act, the *Environmental Protection and Enhancement Act*, the *Public Lands Act* or any other Act.

**(2.5)** The *Regulations Act* does not apply to

- (a) a water management order issued under subsection (2.1)(a)(ii), or
- (b) an order made under subsection (1), (2.1)(b) or (2.4).

**(2.6)** Immediately after the making of an order under subsection (1), (2.1)(b) or (2.4), the Minister shall cause the details of the order to be published by any means of communication that the





Minister considers is most likely to make known to the majority of those affected the contents of the order.

**(4) Section 115(2) is amended by adding the following after clause (d):**

- (e) with respect to an approval under section 82(1) of a transfer, made for a specified period of time, of an allocation of water under a licence in an area of the Province affected by a declaration under section 107(1);
- (f) with respect to a water management order issued under section 107(2.1)(a);
- (g) if the Director issues a licence as authorized by an order made under section 107(2.1)(b)(ii);
- (h) if the Director makes a decision with respect to an application that is included in the classes and types of applications specified in an order made under section 107(2.1)(b)(iii).

(4) Section 115(2) presently reads in part:

*(2) Notwithstanding subsection (1), a notice of appeal may not be submitted*

*(d) with respect to an amendment to reflect a disposition of land or an undertaking to which an approval, preliminary certificate, licence or registration is appurtenant.*

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>