

DISASTER SERVICES ACT

Chapter D-13

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

Definitions

1 In this Act,

- (a) "Cabinet Committee" means the committee of the Executive Council appointed under section 4;
- (b) "declaration of a state of emergency" means an order of the Lieutenant Governor in Council under section 18;
- (c) "declaration of a state of local emergency" means a resolution or order of a local authority under section 21;
- (d) "Deputy Minister" means the deputy minister of the Minister;
- (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) "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*,

(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;

(h) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for 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.

RSA 2000 cD-13 s1; 2002 c32 s5; 2004 c30 s2

Crown bound

2 This Act binds the Crown.

1992 c31 s3

Delegation

3(1) The Minister responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act* may authorize another person to carry out the duties or exercise any of the powers that may be carried out or exercised under this Act by the Minister responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act*, as the case may be.

(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 responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act*, 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 proof, in the absence of evidence to the contrary, 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 responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act*, as the case may be.

(4) Notwithstanding that the Minister responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act* has given an authorization under this section, the Minister responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act*, as the case may be, may carry out the duties or exercise that power in respect of which the authorization was given.

1992 c31 s3

Part 1
Administration

Cabinet Committee

4 The Lieutenant Governor in Council may appoint a committee consisting of those members of the Executive Council whom the Lieutenant Governor in Council designates to advise on matters relating to emergencies and disasters.

RSA 1980 cD-36 s3

Advisory committees

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.

(2) The members of committees appointed under subsection (1) who are not officers or employees of the Crown, or officers or employees of an agency of the Crown, may be paid remuneration for their services and expenses at a rate or rates fixed by the Minister.

RSA 1980 cD-36 s4; 1985 c22 s5; 1995 c34 s13

Regulations

6 The Lieutenant Governor in Council may make regulations

(a) assigning responsibility to departments, boards, commissions or Crown agencies for the preparation or implementation of plans or arrangements or parts of plans or arrangements to deal with emergencies;

(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;

(c) governing the assessment of damage or loss caused by a disaster and the payment of compensation for the damage or loss;

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

(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, whether independently or as a result of some other event, 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;

(f) governing the administration of the Disaster Relief Fund;

(g) concerning any other matter or thing necessary for the administration of this Act and for which no specific provision is made in this Act.

RSA 2000 cD-13 s6; 2002 c32 s5

Subrogation regulations

7(1) The Lieutenant Governor in Council may make regulations establishing that Her Majesty in right of Alberta has a right of subrogation with respect to

(a) payments of compensation made by Her Majesty in right of Alberta for damage or loss caused by a disaster, or

(b) payments made by Her Majesty in right of Alberta for the purpose of sharing costs incurred by a local authority in conducting emergency operations.

(2) The regulations under this section may define and describe the right of subrogation and may deal with any matter respecting the enforcement of or procedures relating to the right of subrogation.

(3) The regulations under this section may provide that the right of subrogation applies to payments made before November 15, 1993.

1993 c23 s3

Validation of past payments

8 Payments made by Her Majesty in right of Alberta before November 15, 1993 are valid, notwithstanding the definition of disaster in force when those payments were made, and are deemed to have been made in accordance with the regulations.

1993 c23 s3

Powers and duties of Minister

9 The Minister may

(a) review and approve or require the modification of provincial and municipal emergency plans and programs;

(b) enter into agreements with the Government of Canada or of any other province or territory or any agency of such a government, dealing with emergency plans and programs;

(c) make surveys and studies of resources and facilities to maintain and provide information necessary for the effective preparation of emergency plans and programs;

(d) make surveys and studies to identify and record actual and potential hazards that may cause emergencies;

(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;

(f) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs;

(g) conduct public information programs relating to emergency preparedness for and the mitigation of disasters.

RSA 1980 cD-36 s6; 1985 c22 s7; 1992 c31 s5; 1995 c34 s13

Ministerial orders

10(1) 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 Deputy Minister for review;

(c) establish procedures required for the prompt and efficient implementation of plans and programs to meet emergencies;

(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, whether independently or as a result of some other event, 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.

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

RSA 2000 cD-13 s10; 2002 c32 s5

Municipal emergency organization

11 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 18;

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

(i) in the case of an improvement district, of a person or persons that the Minister responsible for the *Municipal Government Act* designates,

(ii) in the case of a special area, of a person or persons that the Minister responsible for the *Special Areas Act* designates, or

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

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 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;

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

(h) may enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs.

RSA 1980 cD-36 s8; 1985 c22 s9; 1992 c31 s7;
1994 cM-26.1 s642(59)

Disaster Relief Fund

12(1) There is hereby established a Disaster Relief Fund into which may be deposited public donations for disaster relief in areas inside or outside Alberta.

(2) The Disaster Relief Fund shall be administered in accordance with the regulations by a committee called the "Disaster Relief Committee" consisting of those persons who are appointed to the committee by the Lieutenant Governor in Council.

(3) Members of the Disaster Relief Committee who are not officers or employees of the Crown, or officers or employees of an agency of the Crown, may be paid remuneration for their services and expense allowances at the rate fixed by the Lieutenant Governor in Council.

RSA 1980 cD-36 s10

Recovery of expenditures

13 When an expenditure with respect to a disaster is made by the Government within or for the benefit of a municipality, the local authority, other than a park superintendent or an Indian band council, shall, if so required by the Lieutenant Governor in Council, pay to the Minister the amount of the expenditure or the portion of it 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.

RSA 2000 cD-13 s13; 2006 c23 s23

Fees

14 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.

1985 c22 s12

Protection from action

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.

RSA 1980 cD-36 s12; 1985 c22 s13

Protection from action

16(1) 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) neither the local authority nor any member of the 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 way of prohibition, certiorari, mandamus or injunction.

(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 duties under this Act or the regulations.

RSA 1980 cD-36 s13; 1985 c22 s14

Offence

17 Any person who

(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 one year or to a fine of not more than \$10 000 or to both imprisonment and fine.

RSA 1980 cD-36 s14; 1985 c22 s15; 1992 c31 s8

Confidentiality

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.

2002 c32 s5

Part 2
State of Emergency

Declaration of state of emergency

18(1) The Lieutenant Governor in Council may, at any time when the Lieutenant Governor in Council 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) must 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 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 declaration.

(4) An order under subsection (1) expires at the end of 14 days unless continued by a resolution of the Legislative Assembly.

(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 *Human Rights, Citizenship and Multiculturalism 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).

RSA 1980 cD-36 s15; 1992 c31 s9; 1996 c25 s28

Powers of Minister in emergency

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:

(a) put into operation an emergency plan or program;

(b) authorize or require a local authority to put into effect an emergency plan or program for the municipality;

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

(d) authorize or require any qualified person to render aid of a type the person is qualified to provide;

(e) control or prohibit travel to or from any area of Alberta;

(f) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of Alberta;

(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;

(h) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program;

(i) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;

(j) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within any part of Alberta for the duration of the state of emergency;

(k) authorize the conscription of persons needed to meet an emergency.

(2) 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.

(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, combatting or alleviating the effects of an emergency or disaster, the Minister shall cause compensation to be paid for it.

(4) The Lieutenant Governor in Council may make regulations in respect of any matter mentioned in subsection (1).

(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.

RSA 1980 cD-36 s16; 1985 c22 s16; 1995 c34 s13

Termination of state of emergency

20(1) When, in the opinion of the Lieutenant Governor in Council, an emergency no longer exists in an area in relation to which a declaration of a state of emergency was made, the Lieutenant Governor in Council shall make an order terminating the declaration of a state of emergency in respect of that area.

(2) Immediately after an order is made under subsection (1), the Minister shall cause the details of the termination 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 termination order.

RSA 1980 cD-36 s17

Declaration of state of local emergency

21(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 responsible for the *Municipal Government Act*, the Minister responsible for the *Special Areas Act* or a park superintendent of a national park, by order, make a declaration of a state of local emergency relating to all or any part of the municipality.

(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.

(3) Immediately after the making of a resolution for a declaration of a state of local emergency, the local authority shall cause the details of the declaration to be published by any means of communication that it considers is most likely to make known to the population of the area of the municipality affected the contents of the declaration.

(4) A local authority may delegate any of its powers and duties under this Act to a committee composed of a member or members of the local authority.

RSA 1980 cD-36 s18; 1985 c22 s17

Cancellation of declaration of state of local emergency

22(1) The local authority shall forthwith on making a declaration of a state of local emergency forward a copy of the declaration to the Minister.

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

(3) A declaration of a state of local emergency ceases to be of any force or effect on the making of an order for a state of emergency by the Lieutenant Governor in Council relating to the same area of the municipality.

(4) A declaration of a state of local emergency lapses 7 days after its making by the local authority unless it is earlier cancelled by the Minister or terminated by the local authority or unless it is renewed by the local authority.

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

RSA 1980 cD-36 s19

Termination of declaration of state of local emergency

23(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 responsible for the *Municipal Government Act*, the Minister responsible for the *Special Areas Act* or a park superintendent of a national park, by order, terminate the declaration of a state of local emergency in respect of that area.

(2) Immediately after

(a) the passage of a resolution or order terminating a declaration under subsection (1),

(b) the cancellation by the Minister of a declaration of a state of local emergency, or

(c) the termination by lapse of time of a declaration of a state of local emergency,

the local authority shall cause the details of the declaration or cancellation or the fact of the termination by lapse of time to be published by any means of communication that it considers is most likely to make known to the majority of the population of the area affected the contents of the declaration or cancellation or the fact of the termination.

RSA 1980 cD-36 s20; 1985 c22 s18

Notice provisions do not apply

23.1 Where the sole purpose of a meeting of a local authority is to pass a resolution referred to in section 21(1) or 23(1), the notice requirements in sections 194 to 196 of the *Municipal Government Act* do not apply.

2002 c32 s5

Powers of local authority

24(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 19(1) in relation to the part of the municipality affected by the declaration;

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

(2) The local authority of a municipality other than an improvement district, special area, national park or Indian reserve may, during or within 60 days after the state of local emergency, by bylaw that is not advertised but is approved by the Minister responsible for the *Municipal Government Act*, 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.

(3) In the case of an improvement district, the Minister responsible for the *Municipal Government Act* and in the case of a special area, the Minister responsible for the *Special Areas Act* 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 responsible for the *Municipal Government Act* or the Minister responsible for the *Special Areas Act*, as the case may be.

RSA 1980 cD-36 s21; 1985 c22 s19; 1994 cM-26.1 s642(59)

Dispute re compensation

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.

RSA 1980 cD-36 s22

Conscript's employment

26 A person's employment shall not be terminated by reason only that the person is conscripted pursuant to section 19(1) or 24(1).

1992 c31 s10