



BILL NO. 455

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
3 Charles III, 2024*

An Act to Establish a Department of Emergency Management and Authorize the Establishment of a Nova Scotia Guard

CHAPTER 6
ACTS OF 2024

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
SEPTEMBER 20, 2024**

The Honourable Tim Houston
President of the Executive Council

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Establish a Department of Emergency Management and Authorize the Establishment of a Nova Scotia Guard

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 4 of the Acts of 1992, the *Emergency “911” Act*, as amended by Chapter 38 of the Acts of 1994, Chapter 10 of the Acts of 1999 (Second Session), Chapter 9 of the Acts of 2011, Chapter 15 of the Acts of 2019 and Chapter 45 of the Acts of 2022, is further amended by

(a) striking out “Justice” in clause (aa) and substituting “Emergency Management”; and

(b) striking out “Municipal Affairs” in clause (g) and substituting “Emergency Management”.

2 Section 2 of Chapter 8 of the Acts of 1990, the *Emergency Management Act*, as amended by Chapter 48 of the Acts of 2005, Chapter 9 of the Acts of 2011, Chapter 34 of the Acts of 2014 and Chapter 45 of the Acts of 2022, is further amended by striking out “Municipal Affairs” in clauses (aa) and (g) and substituting “Emergency Management” in each case.

3 Subsection 3(1) of Chapter 8 is repealed and the following subsection substituted:

(1) Where there is a conflict or inconsistency between this Act, the regulations or an order made by the Minister under this Act and any other enactment respecting emergencies, this Act, the regulations and the order prevail.

4 Subsection 10(1) of Chapter 8 is amended by

(a) striking out “Within one year after the coming into force of this Act, each” and substituting “Each”; and

(b) striking out clause (e) and substituting the following clause:

(e) prepare and approve emergency management plans, which must include plans for the continuity of the functions of the municipality.

5 Subsection 25(1) of Chapter 8, as amended by Chapter 12 of the Acts of 2009 and Chapter 9 of the Acts of 2011, is further amended by striking out clause (e) and substituting the following clauses:

(e) assigning administration of a regulation made under this Act to a member of the Executive Council other than the Minister;

(ea) assigning duties under this Act and the regulations to a member of the Executive Council other than the Minister or to any other person;

(eb) respecting the vesting of special powers and duties in the Minister, a member of the Executive Council other than the Minister or any other person during a state of emergency or state of local emergency;

(ec) respecting the relocation, reassignment and mobilization of employees of the Province, private-sector professionals and private-sector tradespersons during a state of emergency or state of local emergency;

(ed) prescribing the forms to be used for a declaration of a state of emergency or state of local emergency and renewals and termination of the same;

6 Section 3 of Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*, as enacted by Chapter 29 of the Acts of 2021, is amended by adding immediately after clause (m) the following clause:

(ma) the Minister of Emergency Management;

7 Clause 3(3)(a) of Chapter 12 of the Acts of 2007, the *Medal of Bravery Act*, is repealed and the following clause substituted:

(a) the Deputy Minister of Emergency Management;

8 The Schedule to Chapter 42 of the Acts of 2010, the *Public Interest Disclosure of Wrongdoing Act*, is amended by

(a) adding “Department of Emergency Management” immediately after “Department of Education”; and

(b) striking out “Emergency Management Office”.

9 Section 2 of Chapter 376 of the Revised Statutes, 1989, the *Public Service Act*, as enacted by Chapter 29 of the Acts of 2021, is amended by adding immediately after clause (f) the following clause:

(fa) the Department of Emergency Management;

10 Chapter 376 is further amended by adding immediately after Section 36 the following headings and Sections:

DEPARTMENT OF EMERGENCY MANAGEMENT

36A The Department of Emergency Management shall be presided over by the Minister of Emergency Management who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department.

36B The Minister of Emergency Management has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of

(a) emergency management, including emergency preparedness, incident management and recovery;

(b) business continuity planning and management for the Government of the Province;

(c) the emergency “911” system;

- (d) the Nova Scotia Guard;
- (e) public safety and field communications systems and services;
- (f) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (e);
- (g) such other matters as may be assigned to the Minister by the Governor in Council or by statute; and
- (h) such other matters as may be assigned to the Minister by the Governor in Council on a temporary basis in order to lead or coordinate the response to an emergency, critical incident or other time of need.

11 Clauses 46EB(a) and (i) and 46I(c) of Chapter 376 are repealed.

12 Section 3 of Chapter 13 of the Acts of 2002, the *Volunteer Fire and Ground Search and Rescue Services Act*, as amended by Chapter 28 of the Acts of 2010, is further amended by

- (a) striking out clause (ba); and**
- (b) striking out “Emergency Management Office” in clause (e) and substituting “Department of Emergency Management”.**

13 The Schedule, the *Emergency Preparedness and Nova Scotia Guard Act*, comes into force as provided in that Schedule.

SCHEDULE

EMERGENCY PREPAREDNESS AND NOVA SCOTIA GUARD ACT

- 1** This Act may be cited as the *Emergency Preparedness and Nova Scotia Guard Act*.
- 2** In this Act,
- “critical incident” means an event or occurrence
- (a) in which the prompt coordination of actions are required at a specified location
 - (i) to protect the health, safety or well-being of one or more persons, or
 - (ii) for a prescribed purpose;
 - (b) in which the actions required are beyond the capability or capacity of the responsible emergency service provider;
 - (c) in relation to which no state of emergency or state of local emergency has been declared under the *Emergency Management Act*; and
 - (d) of which public notice has been provided;
- “critical service” means a service or function that is necessary to prevent
- (a) danger to life, health or safety;
 - (b) the destruction or serious deterioration of infrastructure or other property required for the economic well-being of the Province or the effective functioning of the government; or
 - (c) serious damage to the environment;
- “critical service continuity plan” means a plan for responding to an event or occurrence that affects the delivery of a critical service;

“critical service provider” means a corporation or other person, organization or entity designated under the regulations as a critical service provider;

“delegate” means a person or class of persons delegated power or responsibility under subsection 4(1);

“emergency management program” means a comprehensive program implemented to formalize and test processes of emergency prevention, mitigation, preparedness, response and recovery;

“Guard” means the Nova Scotia Guard referred to in Section 5;

“Minister” means the Minister of Emergency Management;

“municipality” means a town, a county or district municipality or a regional municipality.

- 3**
- (1) The Minister is responsible for the general supervision and management of this Act.
- (2) The Minister may
- (a) lead, direct and support a coordinated response to emergencies, critical incidents or other times of need;
 - (b) lead the recovery from emergencies, critical incidents or other times of need; and
 - (c) create and nurture a culture of preparedness across the population of the Province.
- 4**
- (1) The Minister may delegate any power or responsibility under this Act to a person or class of persons.
- (2) A delegation under subsection (1) must be in writing and may include any terms or conditions that the Minister considers advisable.
- 5**
- (1) The Nova Scotia Guard is established.
- (2) The purpose of the Guard is to
- (a) ensure that people, skills, goods and services are available in an emergency, critical incident or other time of need;
 - (b) assist in public safety;
 - (c) promote Nova Scotian pride; and
 - (d) ensure emergency preparedness and response.
- 6**
- (1) Where an emergency, critical incident or other time of need occurs within the boundaries of a municipality, the municipality shall respond to the emergency, critical incident or time of need.
- (2) Where the expertise or resources required to respond to an emergency, critical incident or other time of need exceeds municipal and regional capacity, the municipality may, in accordance with the regulations, request that the Minister provide expertise or resources to assist with the response.
- (3) Nothing in this Section prevents the Minister from exercising the Minister’s powers and duties respecting an emergency, critical incident or time of need in the absence of a request from a municipality.
- 7**
- (1) A critical service provider shall, in accordance with the regulations,
- (a) conduct regular risk assessments;
 - (b) prepare and maintain a critical service continuity plan for critical services specified in the regulations;
 - (c) prepare and maintain an emergency management program;
 - (d) co-operate with other persons in the coordinated development, integration and implementation of emergency management programs.
- (2) A critical service continuity plan must include
- (a) measures to ensure the continuation or restoration of critical services during and after an event that affects the delivery of services; and
 - (b) any other content specified by the regulations.

(3) A critical service provider shall inform the Department of Emergency Management immediately upon becoming aware of any real or anticipated event, emergency or critical incident that could impact the health, safety or welfare of Nova Scotians, their property or the environment.

8 The Minister may, through a system of reviews and any other means the Minister determines to be appropriate, determine the adequacy and effectiveness of a municipality's emergency management program and emergency services, including any program or aspect of a program or any service to be delivered through the municipality's participation in a regional emergency management organization.

9 (1) The Minister, after consultation with the municipalities concerned, may establish regional emergency management organizations and may determine the boundaries of any regional emergency management organization.

(2) A municipality that falls within the boundaries of a regional emergency management organization is a member of that regional emergency management organization.

10 The Minister may establish and operate regional emergency operation centres and determine the boundaries of the territory to be served by any regional emergency operation centre.

11 (1) Where a critical incident occurs, the Minister or a delegate of the Minister may, for the purpose of ensuring public safety, enter upon any land or premises at any reasonable time without a warrant.

(2) Where a person refuses to allow the Minister or a delegate of the Minister to exercise, or attempts to interfere or interferes with the Minister or delegate in the exercise of, the authority provided under this Section, the Minister or delegate may apply to a judge of the Provincial Court for an order to permit entry.

12 The Minister may, in accordance with the regulations and for the purpose of ensuring public safety and compliance with this Act and the regulations, issue an order to any person.

13 (1) Any person who obstructs the Minister or delegate of the Minister, a municipality, a regional emergency management organization, a critical service provider, an emergency service provider or any organization, committee or service provider established pursuant to this Act or the regulations in the performance of any action, matter or thing authorized by this Act or the regulations is guilty of an offence and liable on summary conviction

(a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment of not more than six months, or both; or

(b) in the case of a corporation, to a fine not exceeding \$100,000.

(2) Any person who contravenes or fails to comply with this Act or the regulations or with any direction, order or requirement made pursuant to this Act or the regulations is guilty of an offence and liable on summary conviction

(a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment of not more than six months, or both; or

(b) in the case of a corporation, to a fine not exceeding \$100,000.

14 (1) No action lies against any of the following persons acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person pursuant to or in the exercise of any power conferred by this Act or the regulations or in the carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations:

(a) the Province or any employee of the Province;

(b) a municipality or any employee of the municipality;

(c) a regional emergency management organization;

(d) any organization, committee or emergency service provider established pursuant to this Act or the regulations or any member of such organization, committee or service provider.

(2) The actions of any of the persons mentioned in subsection (1) taken pursuant to this Act or the regulations are not subject to any proceedings by prohibition, certiorari, mandamus or injunction.

15 The Minister may make regulations

- (a) for the purpose of the definition of “critical incident”, prescribing purposes requiring the prompt coordination of actions;
- (b) designating a corporation or other person, organization or entity that provides a critical service, or a class of them, other than a department or municipality, as a critical service provider;
- (c) respecting requests from municipalities to the Province for provision of expertise or resources to assist with the response to an emergency, critical incident or other time of need;
- (d) specifying the critical service or services that must be addressed in a critical service continuity plan;
- (e) respecting risk assessments to be conducted by critical service providers;
- (f) respecting the form and content of a critical service continuity plan, including matters that must be addressed in a critical service provider’s continuity program;
- (g) respecting the form and content of a critical service provider’s emergency management program, including matters that must be addressed in a critical service provider’s emergency management program;
- (h) respecting regional emergency management organizations, including establishing standards and the respective powers and duties of a regional emergency management organization and its member municipalities;
- (i) respecting regional emergency operations centres;
- (j) respecting business continuity plans;
- (k) respecting emergency management plans, including establishing standards for an emergency management plan and processes for review of the adequacy of an emergency management plan;
- (l) respecting emergency management programs, including establishing standards that must be followed and templates and guidelines that must be used when implementing an emergency management program, determining training to be conducted, and establishing processes for review of the adequacy of an emergency management program;
- (m) respecting coordination and co-operation between the Government of Canada, the Province, municipalities, critical service providers and other persons in the development, integration and implementation of emergency management programs;
- (n) respecting fire dispatch services and service models for fire dispatch, including setting or adopting standards applicable to a fire dispatch service;
- (o) respecting public alert systems, including setting or adopting standards applicable to a public alert system;
- (p) respecting agreements for the provision of goods, services and other resources;
- (q) respecting vulnerable persons registries, including settling or adopting standards applicable to a vulnerable persons registry;
- (r) incorporating or adopting by reference, in whole or in part, a written standard as it reads on a prescribed day or as it is amended from time to time;
- (s) respecting the provision of information under this Act, including prescribing forms;
- (t) excluding any person or organization from the application of a provision of this Act or the regulations.

16 (1) The Governor in Council may make regulations

- (a) respecting the Guard, including its composition, organization, duties and powers;
- (b) respecting the delegation of powers and responsibilities by the Minister;
- (c) respecting powers the Guard may exercise in relation to an emergency, critical incident or other time of need;
- (d) respecting the powers that the Minister may exercise in an emergency, critical incident or other time of need, including powers to issue orders;
- (e) respecting oversight powers that may be exercised by the Minister or the Minister’s delegate for the purpose of ensuring compliance with this Act and the regulations;

(f) respecting orders that may be made by the Minister for the purpose of ensuring compliance with this Act and the regulations;

(g) respecting the recovery of expenses in relation to actions taken to protect private property in response to an emergency, critical incident or other time of need by the Minister or the Guard;

(h) assigning duties to a member of the Executive Council other than the Minister or to any other person;

(i) defining any word or expression used but not defined in this Act;

(j) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority in subsection (1) is a regulation within the meaning of the *Regulations Act*.

17 Section 7 comes into force on such day as the Governor in Council orders and declares by proclamation.
