

Emergency Management Act

CHAPTER 8 OF THE ACTS OF 1990

as amended by

2005, c. 48, ss. 1-6; 2007, c. 10, s. 2; 2009, c. 12
2011, c. 9, ss. 4-15; 2014, c. 34, s. 6



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**An Act to Provide for a Prompt
and Co-ordinated Response
to a State of Emergency**

Table of Contents

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Act prevails and Minister's authority.....	3
Department of Justice.....	4
Advisory committee appointed by Governor in Council.....	5
Executive Emergency Management Committee.....	5A
Advisory committees appointed by Department.....	6
Agreements and acquisition of property.....	7
Powers of Department.....	8
Powers of Minister.....	9
Medal for long service.....	9A
Powers and duties of municipalities.....	10
Municipality to report emergency.....	10A
Police.....	11
State of emergency or state of local emergency.....	12
Publication of declaration or termination.....	13
Protection of property and health or safety.....	14
Duty of mayor or warden and delegation of Section 14 powers.....	15
Prices.....	16
Fires and law enforcement.....	17
Termination of state of emergency or state of local emergency.....	18
Termination within fourteen days and renewal.....	19
Termination of state of local emergency and renewal.....	20
No liability.....	21
Entry upon property.....	22
Offence of obstruction.....	23
Additional penalty.....	23A
Absence from employment.....	24
Regulations.....	25
Repeal.....	26
Proclamation.....	27

Short title

1 This Act may be cited as the *Emergency Management Act*. 1990, c. 8, s. 1; 2005, c. 48, s. 1.

Interpretation

2 In this Act,

- (a) *repealed 2005, c. 48, s. 2.*
- (aa) “Department” means the Department of Municipal Affairs;
- (b) “emergency” means a present or imminent event in respect of which the Minister or a municipality, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province;
- (c) *repealed 2011, c. 9, s. 4.*
- (d) “emergency management plan” means any plan, program or procedure prepared by the Province or a municipality, as the case may be, that is intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an occurrence;
- (e) “Fire Marshal” means the Fire Marshal appointed pursuant to the *Fire Prevention Act*;
- (f) “mayor or warden” includes an alderman or councillor acting in the stead of the mayor or warden, as the case may be;
- (g) “Minister” means the Minister of Municipal Affairs;
- (h) “municipality” means a city, an incorporated town or a municipality of a county or district;
- (i) “police officer” means a member of the Royal Canadian Mounted Police and a police officer of a municipality;
- (j) “state of emergency” means a state of emergency declared by the Minister or renewed by the Minister pursuant to this Act;
- (k) “state of local emergency” means a state of local emergency declared by a municipality or renewed by it pursuant to this Act. 1990, c. 8, s. 2; 2005, c. 48, ss. 2, 6; 2011, c. 9, s. 4; 2014, c. 34, s. 6.

Act prevails and Minister’s authority

3 (1) Where there is a conflict or inconsistency between this Act or the regulations and any other enactment respecting emergencies, this Act and the regulations prevail.

(2) The Minister has authority over all matters respecting emergency planning, preparedness, response, mitigation, recovery and emergencies in the Province.

(3) The Minister’s authority under subsection (2) includes

- (a) the general supervision and management of this Act;
- (b) the co-ordination of emergency management plans within the Province; and

(c) authority to delegate powers vested in the Minister by or pursuant to this Act. 2009, c. 12, s. 1.

Department of Justice

4 The Department has and shall exercise and perform such powers and duties as are vested in it by or under this Act and those assigned to it by the Minister. 2005, c. 48, s. 3; 2011, c. 9, s. 5.

Advisory committee appointed by Governor in Council

5 The Governor in Council may appoint, from among the members of the Executive Council, a committee to advise the Governor in Council on matters relating to emergencies. 1990, c. 8, s. 5.

Executive Emergency Management Committee

5A (1) There shall be an Executive Emergency Management Committee consisting of

- (a) the Minister, who is the Chair;
- (b) the Deputy Minister of Finance and Treasury Board;
- (c) the Deputy Minister of the Office of the Premier;
- (d) the Deputy Minister of Justice;
- (e) the Deputy Minister of Municipal Affairs;
- (f) such experts as appointed by the Minister.

(2) The Executive Emergency Management Committee shall provide oversight and direction to the Minister regarding emergency preparedness, response, mitigation and recovery. 2009, c. 12, s. 2; 2011, c. 9, s. 6; 2014, c. 34, s. 6.

Advisory committees appointed by Department

6 (1) The Department may appoint such committees as it considers necessary or desirable to advise or assist the Department, the Minister or the Governor in Council.

(2) A member of a committee appointed pursuant to subsection (1) may, if the member is not an employee of Her Majesty or an agency thereof, be paid such remuneration and expenses as the Governor in Council determines. 1990, c. 8, s. 6; 2005, c. 48, s. 6; 2011, c. 9, s. 7.

Agreements and acquisition of property

7 (1) Subject to the approval of the Governor in Council, the Minister may, on behalf of the Province,

- (a) enter into agreements with the Government of Canada, a province or a municipality, a state of the United States of America,

or an agent of any of them, in respect of emergency management plans or provision of emergency services;

(b) enter into agreements with a board, commission, agency or Crown corporation of the Government of Canada, of a province or of a municipality, or an agent of any of them, in respect of emergency management plans;

(c) enter into agreements with the Government of Canada and the Workers' Compensation Board for the administration and payment of compensation benefits to persons engaged in training or carrying out duties related to a state of emergency or a state of local emergency;

(d) acquire, by purchase or lease, real and personal property for the purpose of emergency management.

(1A) Subject to the regulations, a person sent to the Province under an agreement entered into under clause (a) of subsection (1), who holds a licence, certificate or permit respecting the person's profession, trade or other qualifications from a jurisdiction that is a party to the agreement is deemed to be similarly qualified in the Province when providing assistance during a state of emergency or a state of local emergency.

(2) The Workers' Compensation Board may execute and administer an agreement referred to in this Section. 1990, c. 8, s. 7; 2005, c. 48, ss. 4, 6; 2011, c. 9, s. 8.

Powers of Department

8 The Department may, subject to the approval of the Minister,

(a) review and approve, or require modification to Provincial and municipal emergency management plans;

(b) make surveys and studies to identify and record actual and potential hazards that may cause an emergency;

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

(d) conduct public information programs related to the prevention and mitigation of damage during an emergency;

(e) conduct training and training exercises for the effective implementation of emergency management plans;

(f) procure food, clothing, medicines, equipment and goods of any nature or kind for the purposes of emergencies;

(g) authorize or require the implementation of any emergency management plan;

(h) enter into agreements with any persons, organizations or associations in respect of emergency management plans. 1990, c. 8, s. 8; 2005, c. 48, s. 6; 2011, c. 9, s. 9.

Powers of Minister

9 The Minister may

(a) divide the Province into districts and subdistricts for the purpose of this Act;

(b) after consultation with the municipalities concerned, designate a combination of municipalities or parts thereof as a municipality for the purpose of this Act and determine the respective responsibilities of municipalities in the designated area;

(c) require municipalities to prepare emergency management plans, including mutual aid programs, and to submit such plans to the Department for review for adequacy and integration with the Provincial emergency management plans;

(d) establish procedures for the prompt and efficient implementation of emergency management plans;

(e) require any person to develop emergency management plans in conjunction with the Department or the municipalities to remedy or alleviate any hazard to persons or property that is or may be created by

- (i) a condition that exists or may exist on that person's property,
- (ii) that person's use of property,
- (iii) an operation in which that person is or may be engaged, or
- (iv) a process that that person is or may be utilizing,

except where an enactment of the Province or a municipal by-law provides a procedure for dealing with the hazard. 1990, c. 8, s. 9; 2005, c. 48, s. 6; 2011, c. 9, s. 10.

Medal for long service

9A (1) In recognition of a significant contribution to the protection of persons and property by a member of a ground search and rescue crew or other person involved in the provision of emergency services, the Minister or a person designated by the Minister, on the recommendation of the Department, may issue a medal for long service.

(2) Where the Minister or the Minister's designate has issued a medal for long service, the Minister or the designate, on the recommendation of the Department, may issue a bar for further service to accompany the medal. 2007, c. 10, s. 2; 2011, c. 9, s. 11.

Powers and duties of municipalities

10 (1) Within one year after the coming into force of this Act, each municipality shall

(a) subject to the approval of the Minister, establish and maintain a municipal emergency by-law;

(b) establish and maintain a municipal emergency management organization;

(c) appoint a co-ordinator of the municipal emergency management organization and prescribe the duties of the co-ordinator which shall include the preparation and co-ordination of emergency management plans for the municipality;

(d) appoint a committee consisting of members of the municipal council to advise it on the development of emergency management plans; and

(e) prepare and approve emergency management plans.

(2) The municipality may

(a) pay the reasonable expenses of members of the organization or members of the committee appointed pursuant to clause (b) or (d) of subsection (1);

(b) enter into agreements with and make payments to persons and organizations for the provision of services in the development and implementation of emergency management plans;

(c) enter into an arrangement or agreement with any other municipality respecting a common organization, plan or program;

(d) appropriate and expend sums approved by it for the purpose of this Section. 1990, c. 8, s. 10; 2005, c. 48, s. 6.

Municipality to report emergency

10A Every municipality shall, immediately upon becoming aware of it, inform the Department of any real or anticipated event or emergency that could impact the health, safety or welfare of Nova Scotians, their property or the environment. 2009, c. 12, s. 3; 2011, c. 9, s. 12.

Police

11 (1) The Minister may appoint persons trained for police duties as auxiliary police officers for the purpose of this Act.

(2) Police officers and auxiliary police officers have such powers, duties and responsibilities as the regulations prescribe and shall be organized and operate in accordance with the regulations.

(3) A police officer or auxiliary police officer, in carrying out duties pursuant to this Act and the regulations, has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada).

(4) The protection afforded by this Act and any other enactment to a police officer or auxiliary police officer extends to any other person while and to the extent that that person is in the course of assisting a police officer or auxiliary police officer under the police officer's or auxiliary police officer's direction. 1990, c. 8, s. 11.

State of emergency or state of local emergency

12 (1) The Minister, after consulting, if it is practical to do so, with a majority of the members of a committee established pursuant to Section 5 or a quorum of the Executive Council and, if the Minister is satisfied that an emergency exists or may exist, may declare a state of emergency in respect of all or any district, subdistrict or area of the Province.

(2) A municipal council may, when satisfied that an emergency exists or may exist in all or any area of that municipality, declare a state of local emergency in respect of that municipality or area thereof.

(3) If a municipal council is unable to act promptly, the mayor or warden may exercise the authority of the municipal council contained in subsection (2) after consulting, if it is practical to do so, with a majority of the members of the council's committee to advise on the development of emergency management plans.

(4) A declaration pursuant to this Section shall identify the nature of the emergency and the area in which it exists.

(5) Nothing in this Section prevents the Minister from declaring a state of emergency whether a state of local emergency has been declared or not. 1990, c. 8, s. 12; 2005, c. 48, s. 6.

Publication of declaration or termination

13 When a state of emergency or a state of local emergency has been declared or terminated pursuant to this Act, the Minister or the municipality, as the case may be, shall immediately cause the details of the declaration or termination to be communicated or published by such means as the Minister or the municipality, respectively, considers the most likely to make the contents of the declaration or termination known to the people of the area affected. 1990, c. 8, s. 13.

Protection of property and health or safety

14 Upon a state of emergency being declared in respect to the Province or an area thereof, or upon a state of local emergency being declared in respect to a municipality or an area thereof, the Minister may, during the state of emergency, in respect of the Province or an area thereof, or the mayor or warden, as the case may be, may, during the state of local emergency, in respect of such municipality or an

area thereof, as the case may be, do everything necessary for the protection of property and the health or safety of persons therein and, without restricting the generality of the foregoing, may

- (a) cause an emergency management plan or any part thereof to be implemented;
- (b) acquire or utilize or cause the acquisition or utilization of personal property by confiscation or any means considered necessary;
- (c) authorize or require a qualified person to render aid of such type as that person may be qualified to provide;
- (d) control or prohibit travel to or from an area or on a road, street or highway;
- (e) provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- (f) cause or order the evacuation of persons and the removal of livestock and personal property threatened by an emergency and make arrangements for the adequate care and protection thereof;
- (g) authorize the entry by a person into any building or upon land without warrant;
- (h) cause or order the demolition or removal of any thing where the demolition or removal is necessary or advisable for the purpose of reaching the scene of an emergency, of attempting to forestall its occurrence or of combating its progress;
- (i) order the assistance of persons needed to carry out the provisions mentioned in this Section;
- (j) regulate the distribution and availability of essential goods, services and resources;
- (k) authorize and make emergency payments;
- (l) assess damage to any works, property or undertaking and the costs to repair, replace or restore the same;
- (m) assess damage to the environment and the costs and methods to eliminate or alleviate the damage. 1990, c. 8, s. 14; 2005, c. 48, s. 6.

Duty of mayor or warden and delegation of Section 14 powers

15 (1) Upon declaring a state of local emergency, a mayor or warden, as the case may be,

- (a) shall immediately forward a copy of the declaration to the Minister; and
- (b) may authorize any person or committee to exercise any power vested in the mayor or warden, respectively, by Section 14.

(2) Upon declaring a state of emergency, the Minister may authorize any person or committee to exercise any power vested in the Minister by Section 14. 1990, c. 8, s. 15.

Prices

16 (1) During a state of emergency or a state of local emergency, no person in the Province may charge higher prices for food, clothing, fuel, equipment, medical or other essential supplies or for the use of property, services, resources or equipment than the fair market value of the same thing immediately before the emergency.

(2) A contract that is contrary to subsection (1) is voidable at the option of the purchaser if the purchaser repudiates the contract within one month after the termination of the state of emergency or state of local emergency. 1990, c. 8, s. 16.

Fires and law enforcement

17 During a state of emergency,

(a) the Fire Marshal is the co-ordinator of all efforts in relation to the suppression and prevention of fires, and every fire brigade, fire department and firefighter in the area in which the state of emergency exists is subject to the direction and control of the Fire Marshal; and

(b) a peace officer designated for this purpose by the Solicitor General is the co-ordinator of all efforts in relation to law enforcement and every police officer and auxiliary police officer in the area in which the state of emergency exists is subject to the direction and control of that officer. 1990, c. 8, s. 17.

Termination of state of emergency or state of local emergency

18 (1) The Minister may

(a) terminate a state of emergency with respect to an area identified by the Minister in a declaration of a state of emergency when, in the Minister's opinion, an emergency no longer exists in such area; and

(b) terminate a state of local emergency with respect to an area identified by a municipality in its declaration of a state of local emergency when, in the Minister's opinion, an emergency no longer exists in such area.

(2) A municipality may terminate a state of local emergency with respect to an area identified by it in its declaration of a state of local emergency when, in its opinion, an emergency no longer exists in such area. 1990, c. 8, s. 18.

Termination within fourteen days and renewal

19 (1) A state of emergency terminates fourteen days after the day on which it was declared unless it is renewed or terminated by the Minister.

(2) A state of emergency may be renewed by the Minister with the approval of the Governor in Council.

(3) The provisions of this Act respecting a state of emergency and the declaration thereof apply, with the necessary changes, to a renewal of a state of emergency. 1990, c. 8, s. 19.

Termination of state of local emergency and renewal

20 (1) A state of local emergency terminates

(a) when the area identified by the municipality in its declaration of a state of local emergency is included in an area identified by the Minister in a declaration of a state of emergency;

(b) when it is terminated by the Minister or by the municipality;

(c) seven days after the day on which it was declared unless it is renewed in accordance with this Act.

(2) A state of local emergency may be renewed by the municipality with the approval of the Minister.

(3) The provisions of this Act respecting a state of local emergency or the declaration thereof apply, with the necessary changes, to a renewal of a state of local emergency. 1990, c. 8, s. 20.

No liability

21 The Minister, a mayor or warden, a municipality, the Department, a committee established pursuant to this Act or a member thereof, or any other person

(a) is not liable for any damage arising out of any action taken pursuant to this Act or the regulations; and

(b) is not subject to any proceedings by prohibition, *certiorari*, *mandamus* or injunction with respect to any action taken pursuant to this Act or the regulations. 1990, c. 8, s. 21; 2005, c. 48, s. 6; 2011, c. 9, s. 13.

Entry upon property

22 Any person in the course of implementing an emergency management plan pursuant to this Act or the regulations may, at any time, enter upon any property. 1990, c. 8, s. 22; 2005, c. 48, s. 6.

Offence of obstruction

23 Any person who obstructs the Minister, a municipality, the Department, a committee established pursuant to this Act or any person in the performance of any action, matter or thing authorized by this Act or who contravenes or fails to comply

- (a) with any provision of this Act or any regulation; or
- (b) with any direction, order or requirement made pursuant to this Act or the regulations,

is guilty of an offence and liable on summary conviction

- (c) in the case of an individual, to a fine not exceeding ten thousand dollars; or
- (d) in the case of a corporation, to a fine not exceeding one hundred thousand dollars,

or to imprisonment of not more than six months or both. 1990, c. 8, s. 23; 2005, c. 48, s. 6; 2009, c. 12, s. 4; 2011, c. 9, s. 14.

Additional penalty

23A In addition to any penalty imposed under Section 23, a court may increase the fine imposed on a person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence. 2009, c. 12, s. 5.

Absence from employment

24 Every person who with proper authority is absent from that person's accustomed employment and is on duty authorized by the Minister or by the council of a municipality for the purpose of this Act shall, while so absent, for all purposes relative to retention of employment, of seniority rights and of superannuation benefits, be deemed to have been in that person's accustomed employment during the period of absence. 1990, c. 8, s. 24.

Regulations

25 (1) The Governor in Council may make regulations

- (a) respecting emergency planning for the continuity of functions of departments, boards, commissions, corporations and other agencies of the Province;
- (b) respecting the vesting of special powers and duties in various departments and agencies of the Province for the purposes of emergency planning and the implementation of emergency management plans;
- (ba) respecting the recognition of the professional, trade or other qualifications of persons sent to the Province by another jurisdiction under an agreement entered into under clause (a) of subsec-

tion (1) of Section 7 during a state of emergency or state of local emergency;

(bb) requiring municipalities to assess their level of preparedness and report their findings to the Department;

(bc) respecting the emergency planning, evaluation, and level of preparedness required of municipalities;

(bd) respecting emergency plans to be submitted by municipalities to the Emergency Management Office;

(c) respecting the organization, responsibilities, powers, duties and operation of police officers and auxiliary police officers throughout the Province or any part thereof for the purpose of this Act;

(ca) respecting emergency planning, evaluation and reporting for non-governmental entities;

(d) respecting authority to be delegated pursuant to this Act;

(e) prescribing the forms to be used for a declaration of a state of emergency and renewals and ~~termination~~ [termination] of the same;

(f) respecting the establishment, operation, liability and responsibilities of ground search and rescue organizations;

(g) prescribing renewal periods for states of emergency;

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

(i) respecting any matter or thing that the Governor in Council deems necessary for the administration of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*.

(3) An order or regulation made under this Act may be made retroactive to the date in the order or regulation.

(4) Notwithstanding the *Regulations Act*, an order or regulation made under this Act during a state of emergency or a state of local emergency comes into force immediately on the signing by the Governor in Council or by the person who makes it, unless some other time is stated as being the time when it comes into force. 1990, c. 8, s. 25; 2005, c. 48, ss. 5, 6; 2009, c. 12, s. 6; 2011, c. 9, s. 15.

Repeal

26 Chapter 145 of the Revised Statutes, 1989, the *Emergency Measures Act*, is repealed. 1990, c. 8, s. 26.

Proclamation

27 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1990, c. 8, s. 27.

Proclaimed - July 31, 1990
In force - November 1, 1990
