

Post-Event Reporting by Local Authorities Under the Emergency and Disaster Management Act

Purpose: This document provides an overview of reporting requirements for local authorities after the expiry or cancellation of a state of local emergency or local recovery period. In general, Indigenous governing bodies are not local authorities for the purposes of the Emergency and Disaster Management Act. While the Modern Treaty Nations are local authorities, the requirement to complete a report does not apply to Modern Treaty Nations.

Transition Note: The requirements in this document apply for states of local emergency or local recovery periods declared under the Emergency and Disaster Management Act, which came into force on November 8, 2023. If your local authority declared a state of local emergency under the former Emergency Program Act, these requirements do not apply.

Reporting Requirements

A local authority that has declared a state of local emergency or a local recovery period is required to prepare and submit a report to the provincial administrator within 120 days from the end of the expiry or cancellation of that declaration.

If your local authority declared a local recovery period, only one report is required. You do not need to prepare and submit separate reports for the state of local emergency and the local recovery period: a single report can be submitted within 120 days from the end of the expiry or cancellation of the local recovery period.

The final report must be prepared using the Local Authority Post-Event Report template. The completed report must be submitted via email to [your local Ministry of Emergency Management and Climate Readiness regional office](#).

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Contents of the Report

The report must include:

- a description of the nature of the emergency event;
- a summary of all response and recovery powers exercised by the local authority during the state of local emergency or local recovery period; and,
- if the head of the local authority was of the opinion that it was not feasible to meet Indigenous engagement requirements prior to exercising a response power for which those requirements apply, the reasons for that opinion.

In some circumstances, the minister may also issue directions for the report to address other matters.

Nature of the Emergency Event

A local authority's report must describe the nature of the emergency event. The nature of the emergency refers to the circumstances behind the emergency along with the extent of its impacts.

The circumstances described in the report should be linked to the relevant component of the definition of "emergency" in the Emergency and Disaster Management Act.

These components include:

- accident;
- fire;
- explosion;
- technical failure;
- rioting;
- security threat;
- terrorist activity within the meaning of section 83.01 of the *Criminal Code*;
- forces of nature (e.g., flooding, severe storms, or earthquakes); and,
- the presence, suspected presence, or imminent spread of a transmissible disease or an environmental toxin.

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The extent of the emergency's impacts should be described with reference to the geographic area, affected population, and any critical infrastructure disrupted by the emergency.

Powers Exercised

A declaration of a state of local emergency or local recovery period authorizes local authorities to use emergency powers. Any powers exercised must be listed in the report prepared by the local authority.

A list of powers available during a state of local emergency or local recovery period is available in Appendix 2 of [B.C.'s Modernized Emergency Management Legislation: A New Framework for Disaster Risk Reduction, Response, and Recovery](#).

Indigenous Engagement Requirements

Transition Note: Local authorities are required to make reasonable efforts to reach agreement respecting areas to be described in their emergency management plans for the purposes of Indigenous engagement during the response and recovery phases. These agreements should be made with each Indigenous governing body that acts on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of the local authority.

Indigenous engagement requirements during the response and recovery phases become effective once these agreements are reached. If you are required to prepare and submit a post-event report and you have not yet reached agreement respecting areas for Indigenous engagement requirements, please contact your local Ministry of Emergency Management and Climate Readiness regional office.

Some of the response and recovery powers available to local authorities during a state of local emergency or local recovery period are associated with Indigenous engagement requirements.

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Under these requirements, if an action would affect an area, or people in an area, that is described in a local authority's emergency management plan or in an agreement with an Indigenous governing body, the local authority must consult and cooperate with Indigenous governing bodies before exercising any response or recovery power for which consultation and cooperation is required. If an action would affect an area that is within a Modern Treaty Nation's treaty lands, the local authority must notify and obtain the consent of the Modern Treaty Nation before exercising any response or recovery power for which consultation and cooperation is required.

Not all powers require Indigenous engagement before they are used. Powers that require Indigenous engagement before they are used are identified in Appendix 2 of [B.C.'s Modernized Emergency Management Legislation: A New Framework for Disaster Risk Reduction, Response, and Recovery](#). See [Interim Guidance on Indigenous Engagement Requirements](#) for more information.

If the head of a local authority believes that Indigenous engagement requirements cannot be met prior to exercising a relevant response power due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the response power may be exercised and the local authority must instead engage and cooperate with Indigenous governing bodies after the power is exercised. Note that this exception is not available for the exercise of recovery powers.

If Indigenous engagement requirements were not met before a relevant response power was exercised, the report from the local authority must summarize the reasons for why the requirements could not be met.

More information

Online: gov.bc.ca/emergencymanagementact

Email: modernizeEM@gov.bc.ca

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