

# WHEN DOES B.C.'s NEW EMERGENCY MANAGEMENT LEGISLATION COME INTO EFFECT?

The new *Emergency and Disaster Management Act* (the Act) has now replaced the *Emergency Program Act* in B.C.

While many powers and duties under the Act are now functional, some components of the Act will become functional once regulations are made to provide further details. Regulations will be phased in over time. The Ministry of Emergency Management and Climate Readiness will be conducting further engagement and consultation to inform how these regulations are developed.

The tables below provide a list of key components that are now functional and key components (grouped by topic) that will become effective after regulations are made. **Note:** this list is not exhaustive and does not include some minor technical components.

## Now functional

Component of the Act	Reference in the <a href="#">Technical Paper - B.C.'s Modernized Emergency Management Legislation</a>	Reference in the Act
Definitions, including definitions of "emergency", "security threats" and "critical incident"	Page 2	Section 1(1)
Guiding principles for emergency management, including the concept of emergency management phases (mitigation, preparation, response, and recovery)	Page 6	Sections 2 and 3
General powers of the minister (e.g., a power to establish standards and procedures for the performance of a duty under the Act)	N/A	Division 1 of Part 2
The role and duties of the provincial emergency management organization (i.e., the Ministry of Emergency Management and Climate Readiness) and the provincial administrator	Appendix 1	Division 2 of Part 2

Requirement for government ministers to prepare and maintain a business continuity plan.	N/A	Sections 45 and 53
Power to enter into different types of agreements with Indigenous governing bodies	Page 11	Part 3
Power to enter into emergency measures agreements	N/A	Division 4 of Part 2
Requirements for local authorities to begin work to reach agreement with Indigenous governing bodies on the areas to be described in the local authorities' emergency management plans for the purposes of consultation and cooperation during the response and recovery phases	Page 12	Section 179(7)
Power to enter into a multijurisdictional emergency management organization	Page 15	Section 21
Rules for declarations of states of provincial emergency and states of local emergency	Page 9	Division 1 of Part 5 and Division 1 of Part 6
Rules for declarations of provincial recovery periods and local recovery periods	Page 9	Division 2 of Part 5 and Division 2 of Part 6
Response and recovery powers	Appendix 2	Divisions 3-7 of Part 5 and Divisions 3-7 of Part 6
Power for the minister to order mitigation and preparation measures, make exceptions to requirements under the Act and impose duties on persons who are not otherwise regulated under the Act	Page 7	Sections 56-58
Ability for various entities to request the Ministry of Emergency Management and Climate Readiness to assist in coordinating the deployment of volunteers in response to a critical incident or an emergency	Page 8	Section 32



and for the Ministry of Emergency Management and Climate Readiness to deploy, or authorize the deployment of, certain volunteers		
Reporting requirements (e.g., following the use of response or recovery powers, following states of provincial or local emergency, or on spending beyond the base budget of the Ministry of Emergency Management and Climate Readiness)	Page 15	Sections 10 and 24  Division 8 of Part 5 and Division 8 of Part 6
Requirement for the minister to initiate a review of the Act and regulations within five years of the Act receiving Royal Assent	Page 16	Section 174
Other administrative matters, such as protection against legal proceedings, information sharing rules and conflict of laws rules	Various pages	Various sections

**Functional after regulations are made**

<p><b>Emergency management planning by lead ministers</b></p> <ul style="list-style-type: none"> <li>• Assigning government ministers as lead ministers responsible for specific hazards</li> <li>• Requirements for lead ministers to prepare and maintain risk assessments and emergency management plans for hazards they are responsible for</li> </ul>
<p><b>Emergency management planning by local authorities</b></p> <ul style="list-style-type: none"> <li>• Requirements to: <ul style="list-style-type: none"> <li>○ prepare and maintain risk assessments for hazards within their jurisdiction</li> <li>○ prepare, maintain and implement emergency management plans</li> <li>○ prepare and maintain business continuity plans</li> </ul> </li> <li>• Further details finalizing the framework for multijurisdictional emergency management organizations</li> </ul>
<p><b>Emergency management planning by critical infrastructure owners</b></p> <ul style="list-style-type: none"> <li>• Establishing definitions of “critical infrastructure”, “critical infrastructure sector” and “critical infrastructure owner”</li> <li>• Requirements to:</li> </ul>

- prepare and maintain risk assessments for hazards that may affect the critical infrastructure
- prepare, maintain and implement emergency management plans
- prepare and maintain business continuity plans
- Reporting requirements

**Emergency management planning by public sector agencies**

- Establishing a definition of “public sector agency”
- Requirements to:
  - prepare and maintain risk assessments for specific hazards
  - prepare, maintain and implement emergency management plans
  - prepare and maintain business continuity plans

**Consultation and coordination with local authorities**

- Establishing requirements for consultation and coordination with local authorities on various emergency management planning documents

**Government continuity plans**

- Requirement for the Legislative Assembly, the Executive Council (i.e., Cabinet), the office of the Lieutenant Governor and the Courts to prepare government continuity plans

**Requirement for the Ministry of Emergency Management and Climate Readiness to make information public on potential emergencies**

- Details on what specific information must be made public

**Compensation and post-emergency financial assistance**

- New rules for the payment of compensation and financial assistance

**Compliance and enforcement**

- Details to supplement and complete the compliance and enforcement rules from the Act, such as those pertaining to cost recovery and administrative monetary penalties

**Other administrative matters**

- Establishing certain definitions, including definitions for “specialized measure”, “emergency system”, “treaty area”
- Miscellaneous administrative matters
- Repealing some current regulations made under the *Emergency Program Act*
- Bringing into force some consequential amendments to other statutes and regulations

## More information

Online: [gov.bc.ca/emergencymanagementact](https://gov.bc.ca/emergencymanagementact)

Email: [modernizeEM@gov.bc.ca](mailto:modernizeEM@gov.bc.ca)

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The information in this document is for your convenience and guidance and is not a replacement for the legislation.

