



B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

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Minister's Message

Climate-related emergencies are impacting our province at an unprecedented rate. In recent years, people in British Columbia have endured some of the most challenging emergency conditions in our lifetimes. In addition to a global COVID-19 pandemic, we faced a catastrophic wildfire season, including a disastrous fire in Lytton and other severe wildfires, a devastating heat dome, and widespread catastrophic flooding due to an atmospheric river event in 2021 alone.

During this time, our government also began working to modernize B.C.'s emergency management legislation with an aim to incorporate key components of emergency management that are absent from the existing Emergency Program Act, such as an acknowledgement of the linkage between climate change and increasing emergencies, all four phases of emergency management, and recognition of the inherent rights of Indigenous Peoples. The work formally started in October 2019 with the release of a public discussion paper.

In December 2022, Emergency Management BC, the provincial agency responsible for coordinating the provincial government's approach to emergencies, was transformed to become a new standalone ministry: the Ministry of Emergency Management and Climate Readiness. This new ministry emphasizes our government's commitment to enhance disaster preparedness and mitigation for effective response. The modernization of B.C.'s emergency management legislation mirrors this commitment.

On behalf of our government, I am pleased to share that our work to design and draft a modernized statute to replace the Emergency Program Act is now complete. This legislation was co-developed with First Nations, making this the first major land-based statute to be co-developed to ensure strong alignment with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act.

Our government plans to introduce this legislation in fall 2023. Prior to that, my ministry will work closely with Indigenous partners, local authorities, and

other vital actors in emergency management to ensure communities across the province are well prepared to operate under this new legislative framework.

B.C. adopted the United Nations Sendai Framework for Disaster Risk Reduction in 2018 and has been taking deliberate steps to learn from and align with this global strategy so that our province can be more prepared and resilient. While the completion of this statute will be a major milestone in our work, there is still considerable work ahead. We will continue co-development and engagement on associated regulations pertaining to planning responsibilities for the provincial and local governments, critical infrastructure, compliance and enforcement, and compensation and financial assistance programs. We also recognize that with the increasing frequency and severity of emergencies in B.C., we'll need to evaluate and revisit this new framework to ensure the statute and regulations meet the needs of all British Columbians. That's why the legislation includes a requirement for a five-year review.

I would like to express deep gratitude to all who have participated in the process of modernizing our emergency management legislation. Whether it was sharing your input in response to the 2019 discussion paper, attending in-person or online engagement sessions, or sharing your time, expertise, and perspective as an Indigenous partner during the co-development of the statute, you have helped build a framework for a more prepared, resilient, and compassionate British Columbia.



The Honourable Bowinn Ma

Minister of Emergency Management and
Climate Readiness B.C.



A photograph of a forest with tall, slender trees. Sunlight filters through the canopy, creating a dappled light effect on the forest floor. The ground is covered with fallen leaves and rocks. A white rectangular box is overlaid on the right side of the image, containing text.

About This Document

Please note: this document, including its appendices, describes proposed legislation. The government plans to introduce the modernized emergency management legislation described in this document in fall 2023. The legislation requires the support of the legislature and royal assent before it becomes law.

While this document is intended to raise awareness of the proposed legislation, it is not a substitute for the legislation.



Consultation and Co-Development

In 2018, B.C. took a significant step towards modernizing emergency management in the province by adopting the United Nations [Sendai Framework for Disaster Risk Reduction](#). This framework was developed in 2015 and outlines international best practices for managing emergencies. In 2019, the Declaration on the Rights of Indigenous Peoples Act became law, providing another foundation for the new legislation.

In 2019, the Province committed to a broad public engagement process over multiple phases to ensure partner feedback was considered in drafting new legislation. Throughout 2019, Emergency Management BC (EMBC) held meetings with First Nations, Indigenous organizations, local governments, Crown corporations and agencies, provincial and federal ministries, non-profit groups, and other groups with a role to play in emergency management.

Engagement centered on how best to deliver new legislation that would work well for B.C., and a discussion paper entitled [Modernizing B.C.'s Emergency Management Legislation](#) articulated an early vision for that. This included reflecting lessons learned from the unprecedented flood and wildfire seasons in 2017 and 2018 and addressing all four phases of emergency management (mitigation, preparation, response, and recovery). It also sets out how we aim to move to disaster risk reduction – by understanding risks, preventing disasters where we can and lessening the impacts where we can't.

The discussion paper invited comments and feedback from key partners and any other interested agencies, organizations, and individuals. EMBC conducted some 172 meetings, webinars, and teleconferences with partners and stakeholders, and received 239 written submissions from the public, other ministries and levels of government, communities, First Nations, Indigenous organizations,

businesses and industries, as well as from non-profit and volunteer organizations and emergency management practitioners.

Feedback on the discussion paper informed the [What We Heard Report](#), which was released on Aug. 31, 2020. This report summarized feedback received from our partners and outlined plans for the legislative path forward. To incorporate some additional learnings from the initial phase of the COVID-19 pandemic, partners were invited to respond to the What We Heard Report during a final feedback period which ran to Sept. 30, 2020.

Work to turn these intentions into draft legislation continued during 2021 and, throughout 2022 and 2023, the focus shifted to co-developing the new legislation with First Nations partners. This included frequent discussions with technical teams representing the First Nations Leadership Council and member Nations of the Alliance of BC Modern Treaty Nations, policy consultations with First Nations, Indigenous leadership organizations and service providers, and sharing the draft legislation. Legislative co-development goes beyond traditional consultation. Work to co-develop the modernized emergency management legislation followed the [Interim Approach](#) to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act developed by B.C.'s [Declaration Act Secretariat](#).

During this time, we remained engaged with local authorities and other partners.

In anticipation of the new statute being introduced in the fall 2023 legislative session, the Ministry of Emergency Management and Climate Readiness will be reconnecting with partners to discuss plans for regulations to be made under the statute. All regulations will be co-developed using the same distinctions-based approach that guided the design and drafting of the statute.

Legislative Design: Highlights

B.C.'s new emergency management legislation will:

- include provisions that address all **four phases** of emergency management: mitigation, preparation, response, and recovery;
- promote **co-management**, where the provincial government, local governments, and Indigenous governing bodies are all decision-makers;
- include roles for **critical infrastructure owners** and **volunteers**;
- outline **guiding principles** for emergency management;
- require assessment of the risks created by **climate change**;
- update the concept of what constitutes an **emergency**;
- provide improved **tools for response and recovery**;
- recognize the **authority of Indigenous governing bodies** in relation to emergency management;
- include options for **agreements** between Indigenous governing bodies and other decision-makers;
- require the Province, local governments, and critical infrastructure owners to **consult and cooperate** with Indigenous governing bodies;
- include **Indigenous knowledge** in emergency management plans;
- improve **cultural safety** and ensure that planning is attentive to the **disproportionate impacts** of emergencies across our population; and,
- include reporting requirements to enhance **accountability and transparency**.

More information on these highlights is provided in the sections that follow.

What is an Indigenous governing body?

The emergency management legislation will adopt the definition used under the Declaration on the Rights of Indigenous Peoples Act. **Indigenous governing body** means an entity that is authorized to act on behalf of Indigenous Peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.



Guiding Principles

Emergency management is most successful when the various decision-makers and actors involved in each phase can form effective relationships and common understandings.

With that in mind, B.C.'s modernized legislation will include a series of principles. These include:

- practicing disaster risk reduction;
- acknowledging and respecting the authority of all decision-makers;
- working towards harmonization and coordination;
- collaborating on matters of mutual interest;
- recognizing the importance of investing in measures to reduce risk and promote resiliency;
- recognizing the relationship between climate change and increasing hazards and emergencies;
- promoting cultural safety;
- recognizing that the inherent right of self-government of Indigenous Peoples includes law-making authority in the emergency management sphere; and,
- recognizing the importance of Indigenous advice, input, and stewardship.

Holistic Framework

Four Phases of Emergency Management

While B.C.'s current Emergency Program Act is heavily focused on our response to emergencies, emergency management is generally understood to consist of four phases:

- **Mitigation**, which focuses on the identification, removal, or reduction of hazards, to either reduce the likelihood of emergencies or to reduce their potential impacts;
- **Preparation**, which focuses on building knowledge and capacity in anticipation of emergencies;
- **Response**, which focuses on taking measures to respond to an emergency, including to prevent or reduce the impacts of the emergency; and,
- **Recovery**, which focuses on taking measures to restore health, safety, and well-being after an emergency.

The new legislation will include provisions that address each of these phases. For instance:

- the minister will be authorized to order mitigation and preparation measures;
- lead provincial government ministers, local governments, and critical infrastructure owners will be required to:
 - prepare risk assessments for all foreseeable hazards; and,
 - prepare emergency management plans informed by those risk assessments;
- the provincial government and local authorities will have access to response and recovery powers outlined in the legislation;
- for Indigenous governing bodies taking actions to respond to or recover from emergencies, the inherent right of self-government is acknowledged to include law-making authority in relation to emergency management; and,
- a renewable 90-day “recovery period” will be introduced, which will allow for certain powers used during the response phase to be used in aid of recovery after a declared state of emergency ends.

Co-Management

B.C.'s modernized legislation will recognize the concurrent and overlapping roles of decision-makers within the provincial government, local authorities, and Indigenous governing bodies. With the new legislative framework in mind, [Appendix 1](#) outlines the obligations, powers, and roles of various actors in relation to emergency management. The legislation focuses on the government-to-government relationship between the Province and Indigenous governing bodies and does not regulate emergency measures taken by Indigenous governing bodies. For example, while the minister is empowered to cancel states of emergency or recovery periods declared by local governments, the proposed legislation will not authorize the minister to take similar measures in relation to Indigenous governing bodies.

Critical Infrastructure

While the Emergency Program Act does not address critical infrastructure, B.C.'s modernized legislation will require critical infrastructure owners to prepare and maintain risk assessments, emergency management plans, and business continuity plans. Critical infrastructure will be defined in regulations made under the new statute.

Volunteers

Volunteers play important roles in all phases of emergency management. They are also integral to the health, safety, and well-being of British Columbians when it comes to critical incidents involving search and rescue or similar operations.

The modernized legislation will provide liability protection for volunteers following official guidance. For instance, this includes guidance or direction provided by the provincial government or a local authority in relation to mitigating, preparing for, responding to, or recovering from emergencies or critical incidents.

The legislation will also authorize the provincial government to establish standards, protocols, and procedures for volunteers.

Compliance and Enforcement

Similar to most provincial legislation, including the existing Emergency Program Act, the new legislation will include offence provisions. Another concept carried forward from the Emergency Program Act is the authority to recover costs from persons who, through their acts or omissions, cause, or threaten to cause, an emergency.

A new feature of the modernized legislation will be the inclusion of a framework for administrative monetary penalties. These will be authorized by the new statute but will be given shape in future regulations.



Climate Change

In addition to acknowledging the connection between climate change and emergency management, given increasing hazards and emergencies, B.C.'s modernized legislation will require risk assessments to consider how climate change may affect any given hazard.

In turn, as the emergency management plans of the provincial government, local authorities, and critical infrastructure owners will be informed by risk assessments, this focus on climate risk will be a feature of mitigation and preparation work in B.C.

What Constitutes an Emergency

Like under the Emergency Program Act, the definition of "emergency" will refer to conditions that may be imminent, ongoing, or that have occurred, and that require the prompt coordination of action or special regulation of persons or property. The definition will continue to include events attributable to accidents, fire, explosions, technical failures, or forces of nature.

Additionally, the definition used in the modernized legislation will expressly speak to transmissible diseases and environmental toxins, and be expanded to also include rioting, security threats, and terrorist activity. The definition will also be updated to include impacts to objects or sites of heritage value when those objects or sites require protection from the types of hazardous events described above.

Improved Tools for Response and Recovery

Response and Recovery Powers

Most emergency response powers from the Emergency Program Act are carried forward, and the new legislation includes some common-sense tools that reflect lessons learned from recent emergencies. These include:

- an authority for the minister to order assistance (e.g., to require a municipality to host evacuees from another municipality);
- powers for the minister, Lieutenant Governor in Council, and local authorities to control or prohibit events and business activities; and,
- clear authority for the minister to acquire, hold stocks of, and distribute emergency resources.

Response and Recovery Powers (continued)

Certain powers will not be carried forward in the modernized legislation: for example, the power to do “all acts” necessary in the event of an emergency will not be continued for municipalities and regional districts.

A detailed review of the response and recovery powers included in the new legislation—including information on who can exercise them and on when they can be exercised—can be found in [Appendix 2](#).

States of Emergency

Under the current legislation, a state of provincial emergency (declared by the minister or by the Lieutenant Governor in Council) lasts for 14 days before it must be extended. A state of local emergency (declared by a local authority) lasts for seven days before it must be extended.

Under the new legislation, states of emergency can still be extended but there are changes to the default durations. While there is no change to a state of provincial emergency declared by the minister (this remains 14 days), a state of provincial emergency declared by the Lieutenant Governor in Council will last for 28 days. Extensions to states of provincial emergency must be made by the Lieutenant Governor in Council. A state of local emergency lasts for 14 days before it must be extended with the approval of the minister. As under the Emergency Program Act, states of emergency can be cancelled before they automatically expire. Under the new legislation, the Lieutenant Governor in Council will be authorized to cancel a state of provincial emergency, and a state of local emergency declared by a municipality or regional district may be cancelled by either the minister or the local authority that made the declaration. If a Modern Treaty Nation declares a state of local emergency, only the Modern Treaty Nation may cancel the state of emergency.

Recovery Periods

The concept of a “recovery period” will be introduced in the new legislation as a way of recognizing that some of the powers provided under the legislation are still necessary after the response phase of an emergency ends. For example, to facilitate the safe removal of debris that results from an emergency, it may be necessary to prevent people from entering the area where debris-removal operations are underway.

With this change, a renewable 90-day recovery period can be declared at which point a related state of provincial emergency or a state of local emergency will be cancelled. A declaration of a provincial recovery period can be made by the Lieutenant Governor in Council. When a local authority makes a declaration of a local recovery period (or requests an extension of an existing local recovery period), the written approval of the minister will be required.

Financial Assistance

Like the Emergency Program Act, the new legislation will authorize financial assistance in relation to losses from emergency events. The Ministry of Emergency Management and Climate Readiness will be working through 2023 and 2024 to consult broadly on design considerations for a modernized financial assistance program. Until regulations are made to give shape to a modernized program, the existing program parameters that apply for the purposes of the Emergency Program Act will be continued.

Indigenous Governing Bodies and B.C.'s Legislation

Recognition of Authority

The new legislation will recognize that the inherent right of self-government of Indigenous Peoples includes law-making authority in relation to emergency management.

The legislation will include a framework—centered around agreements, consultation and cooperation, and valuing Indigenous knowledges—to promote respect, relationships that work well, and coordination in the approaches that decision-makers, including Indigenous governing bodies, take to emergency management.

Indigenous governing bodies

The new legislation will use the concept of Indigenous governing bodies. This aligns with the Declaration on the Rights of Indigenous Peoples Act and reflects that Indigenous Peoples have the right of self-determination. Provincial or local governments do not designate, appoint, or have tests to recognize Indigenous governing bodies; rather, the determination as to which entities are Indigenous governing bodies is wholly made by the Indigenous Peoples who authorize them to act on their behalf. For the purposes of this legislation, Indigenous Peoples might authorize existing governmental entities (such as a tribal council, chief and council of an Indian Act Band, the governing entity of a self-governing Nation, or another existing entity) or Indigenous Peoples may choose to authorize new entities for the specific purpose of emergency management.

Modern Treaty Nations

The legislation is also designed to recognize the unique relationship between the provincial government and the Modern Treaty Nations, which are the Nations that have entered into modern final agreements (treaties) with the Province and Canada. Currently these are the Nisga'a Nation, Tsawwassen Nation, Tla'amin Nation and the Maa-nulth Nations (the Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht and Yuułu'íł'p'ath First Nations). Treaties identify treaty lands owned and governed by each Modern Treaty Nation. Modern Treaty Nations have the rights, powers, duties and obligations of local authorities for the purposes of emergency management in respect of their treaty lands.

The new legislation will define Modern Treaty Nations as local authorities in relation to their treaty lands. However, given the unique government-to-government relationship Modern Treaty Nations have with the Province, sections of the legislation that give the Minister the ability to order a local authority to take certain actions, approve extensions of local states of emergency or cancel local emergency orders will not apply. Similarly, the legislation will not require Modern Treaty Nations to complete risk assessments or emergency management plans, but will allow the minister to request that these best practices for emergency management be followed.

Beyond their treaty lands, Modern Treaty Nations will have the same rights as other Indigenous governing bodies. This means that throughout their broader treaty areas (broader areas not limited to their treaty lands) these Nations can approach the Province to enter into agreements and must be consulted on any other agreements being considered.

Traditional territories and treaty areas

The Province understands traditional territory to refer to the geographic area identified by an First Nation as the land they and their ancestors traditionally occupied and used. Geographic descriptions of treaty areas (referenced above) will be included in a regulation made under the new statute.

Traditional territories and treaty areas will be important concepts in the legislation. The consultation and cooperation obligations of government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be determined according to traditional territories and treaty areas. Agreements with Indigenous governing bodies will also be made on the basis of the traditional territory or treaty area of the First Nations Peoples represented by an Indigenous governing body.

The legislation was designed to accommodate the reality that the traditional territories identified by different First Nations Peoples may overlap, and overlap will not create impediments to the proper functioning of the legislation.

Agreements

The new legislation will enable different types of agreements with Indigenous governing bodies.

Collaborative emergency management agreements

Currently, B.C. is a party to one tripartite collaborative emergency management agreement (CEMA) with the T̓silhqot'in Nation and the Government of Canada. This agreement will continue, and the modernized legislation will authorize CEMAs for other interested Indigenous governing bodies. While not named specifically in the legislation, CEMAs can be used to create structures for collaboration and to accomplish other objectives, such as promoting cultural safety or formalizing plans to work together to achieve shared goals and objectives.

Coordination agreements

The legislation will authorize coordination agreements to be made between the minister and an Indigenous governing body. Other entities, such as local governments, can also be parties to coordination agreements.

Coordination agreements can be made for the purpose of coordinating the exercise of statutory response and recovery powers held by the Province or by local authorities with the exercise of an Indigenous governing body's rights-based authority. For example, through agreement, the Province may exercise a power differently to make space for the exercise of inherent rights within traditional territories.

An agreement could also be made to promote the harmonization and coordination of plans, policies, and programs related to the response and recovery phases of emergency management.

Provisions of a coordination agreement could affect the statutory response and recovery powers held by the Province or by a local authority by:

- requiring that a power be exercised or a duty performed;
- requiring the Province or a local authority to refrain from exercising a power or performing a duty;
- setting limits or conditions on the exercise of a power or the performance of a duty;
- imposing requirements for the exercise of a power or the performance of a duty; or,
- requiring consultation and cooperation to occur in relation to the exercise of a power or the performance of a duty.

For example, a coordination agreement might provide that if a state of emergency has been declared provincially or locally, the Province or the local authority (as applicable) will make orders to prohibit entry by the public onto certain land so that measures can be taken to protect a site of heritage value. Or an Indigenous governing body may intend to take full conduct of emergency management matters for

a group of homes occupied by members of a First Nations community, so an agreement might provide that the Province or the local authority will not make orders that affect those homes or their occupants.

Joint and consent-based decision-making agreements

The Declaration on the Rights of Indigenous Peoples Act includes agreements for joint and/or consent-based decision making. The new emergency management legislation will authorize these agreements for the purposes of the new emergency management legislation. This means that the minister will, with the approval of Cabinet, be authorized to negotiate and enter into agreements that provide for statutory powers and statutory powers of decision under the emergency management legislation to be exercised either jointly (between the decision-maker named in the legislation and an Indigenous governing body) or on a consent basis (where the consent of an Indigenous governing body is required).

Consultation and Cooperation

Under the Declaration on the Rights of Indigenous Peoples Act, the government must take all measures necessary to ensure the laws of B.C. are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In recognition of the rights outlined in UNDRIP, the new emergency management legislation will provide that consultation and cooperation is required in all phases of emergency management.

Consultation and cooperation requirements begin in the early stages of emergency management. Government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to consult and cooperate with Indigenous governing bodies when developing or reviewing risk assessments and emergency management plans. For municipalities and regional districts this includes Indigenous governing bodies authorized to act on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of a municipality or regional district. As part of consulting, regulated entities will need to consider both any comments received from an Indigenous governing body and the rights of the First Nations Peoples on whose behalf the Indigenous governing body is authorized to act. The Ministry of Emergency Management and Climate Readiness is developing additional supporting guidance on consultation and cooperation.

When the legislation receives royal assent, municipalities and regional districts will be required to contact Indigenous governing bodies and make reasonable efforts to reach agreement on the areas to be described in local authority emergency management plans for the purposes of consultation and cooperation. Through this process, the entities authorized by First Nations Peoples to act on their behalf for the purposes of emergency management can be identified. While the relevant areas and Indigenous governing bodies must be described in local authority emergency management plans, how agreement on these matters is resolved will not be prescribed, but best practice is to confirm agreement in writing.

Municipalities and regional districts may wish to begin these discussions before the legislation is introduced, as early identification of Indigenous governing bodies and agreement concerning areas for consultation and cooperation will position all decision-makers—including Indigenous governing bodies, local authorities, and the Province—in a good position for collaborative and effective emergency management. Local authorities are welcome to [contact the Ministry of Emergency Management and Climate Readiness](#) with questions or requests for assistance with this process. Whenever a local authority reaches agreement with an Indigenous governing body concerning areas for consultation and cooperation, the details of that agreement must be shared with the Ministry of Emergency Management and Climate Readiness.

There will also be a requirement for the Ministry of Emergency Management and Climate Readiness to make reasonable efforts to reach agreements with Indigenous governing bodies regarding areas for consultation and cooperation. However, if agreements have already been reached between local authorities and Indigenous governing bodies, the parameters in those agreements will apply to consultation and cooperation required of the Province and no further agreements will be necessary. The requirement for the Ministry of Emergency Management and Climate Readiness to seek agreements will be phased in to avoid overlap with efforts to reach agreements at the local level.

For the response and recovery phases, consultation and cooperation will be required when either the Province or a local authority plans to use certain response or recovery powers. Table 2.2 in Appendix 2 includes a list of the response and recovery powers that require consultation and cooperation prior to issuing an order or emergency instrument.

It is expected that there will be areas with overlapping traditional territory, where multiple Indigenous governing bodies will identify an interest in consultation and cooperation. These requirements are not exclusive, and one geographic area can be the subject of agreements with multiple Indigenous governing bodies.

Further guidance and support from the Ministry of Emergency Management and Climate Readiness will assist with the implementation of consultation and cooperation requirements.

Indigenous Knowledge

Indigenous Peoples have stewarded the lands now called British Columbia since time immemorial, including through all types of hazardous events, such as flooding and wildfires. Indigenous knowledge based on these millennia of accumulated experience can provide wisdom and insight into how we manage emergencies now. The United Nations Office for Disaster Risk Reduction has recognized that Indigenous knowledge is a valuable contributor to planning and decision-making in emergency management. B.C.'s new legislation will recognize the value and importance of Indigenous knowledge.

Government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to include any available Indigenous knowledge in risk assessments and emergency management plans. The legislation will include protections for Indigenous knowledge. This means that if Indigenous knowledge is provided in confidence, it must only be disclosed if certain conditions are met.

Assessing Risks and Planning for Emergencies

Risk Assessments

Understanding the risks we face is a key part of being prepared, and it's the first priority of the United Nations Sendai Framework for Disaster Risk Reduction. Under the new legislation, lead ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to prepare and maintain risk assessments. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

Risk assessments will gauge the degree of risk posed by a hazard, including the likelihood the hazard may lead to an emergency and the potential scope and scale of that emergency. Risk assessments will include a focus on people who may be disproportionately impacted by emergencies. See [Cultural Safety and Consideration of Disproportionate Impacts](#), below, for more information on this. There will also be special attention paid to animals and places that may be more vulnerable.

To ensure that emergency management is done with a future focus, risk assessments will incorporate expected climate change or extreme weather events.

Risk assessments will also be based on science, available Indigenous and local knowledges, and the results of actions taken to consult with local authorities (see [Local Authorities](#), below) and Indigenous governing bodies (see [Consultation and Cooperation](#), above).

Emergency Management Plans

Lead ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to have emergency management plans that address all four phases of emergency management. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

For each phase, plans will describe appropriate measures that may be taken. Plans will also include descriptions of the roles, powers, and duties of key persons, requirements for emergency resources, procedures for engaging emergency systems, and plans for training and exercise programs. As with risk assessments, plans will need to reflect measures to mitigate the effects of emergencies on people, animals, places, and things that are vulnerable or on people who may be disproportionately impacted by emergencies. Measures to promote cultural safety must also be described. See [Cultural Safety and Consideration of Disproportionate Impacts](#), below, for more information on this.

The plans of municipalities and regional districts will need to include plans for evacuating and caring for people and animals (e.g., pets, livestock, or animals in zoos or rehabilitation facilities). As agreements are reached with Indigenous governing bodies on areas for consultation and cooperation, these details will need to be reflected in municipal and regional district plans; for more information, see [Consultation and Cooperation](#), above.

Plans will be based on completed risk assessments and on the results of actions taken to consult with local authorities (see [Local Authorities](#), below) and Indigenous governing bodies (see [Consultation and Cooperation](#), above).

Cultural Safety and Consideration of Disproportionate Impacts

In developing the legislation, the Ministry of Emergency Management and Climate Readiness heard about the importance of recognizing the disproportionate impacts of emergencies on different people, places, or things within the province. We also heard the need for emergency management to help combat discrimination, including racism, and to ensure that services are culturally safe.

To respond to this feedback, risk assessments and emergency management plans will need to consider factors such as the physical proximity of people, animals, places, or things to hazards. They will also need to be sensitive to environmental factors such as the types of structures in which people

reside or work, and other considerations like age, disability, socioeconomic status, or susceptibility to discrimination in relation to factors like racialized status, gender identity, or sexual orientation. Emergency management plans will include actions to reduce those disproportionate impacts and promote cultural safety. To do this effectively, local governments will likely want to engage with members of their community.

Cultural safety is an outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in the emergency response system. It results in an environment free of racism and discrimination, where people feel safe when receiving services.

Local Authorities

Municipalities and regional districts will be required to ensure that risk assessments are prepared for all reasonably foreseeable hazards within their jurisdictions. They will also need to ensure that there is at least one emergency management plan for each area within their jurisdiction. Generally, this means that municipalities will need to have a plan that covers municipal boundaries, and regional district plans can exclude areas for which municipal plans exist.

The government intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas for which the making of plans is most critical. The Ministry of Emergency Management and Climate Readiness will

be consulting with regional districts on the design of this regulation before local authority planning requirements come into effect.

Municipal authority under the legislation will apply within municipal boundaries. Regional district authority will apply within the boundaries of any electoral areas within a regional district. Modern Treaty Nations may exercise powers within the boundaries of their own treaty lands. If Crown land falls within municipal or regional district boundaries, a municipality or regional district will be authorized to use powers and will be required to perform their duties under the legislation within these Crown lands.

When a lead government minister, municipality, regional district, critical infrastructure owner, or public sector agency is required to prepare or revise a risk assessment or emergency management plan, they will be required to consult and coordinate with municipalities and regional districts according to rules that will be made in future regulations or, in the case of a municipality or regional district, with each municipality or regional district that has jurisdiction over an area adjacent to the municipality or regional district that is preparing or revising their risk assessment or plan.

While the legislation will not impose legal requirements for the Modern Treaty Nations to have risk assessments or emergency management plans, the legislation will authorize the minister to request that they take these steps.

Multijurisdictional Emergency Management Organizations

Hazards and emergencies do not align with jurisdictional boundaries and collaboration can greatly enhance effective planning, response, and recovery. Across the province there are many instances of successful ongoing collaborations between local governments and First Nations. Under the new legislation, requirements such as risk assessments and emergency management planning can be met collaboratively. The creation of a multijurisdictional emergency management organization (MJEMO) will allow for requirements (such as preparing risk assessments and emergency management plans) to be fulfilled as a collective. MJEMOs will also be able to undertake response or recovery actions as a single body. MJEMOs can consist of any combination of local authorities, Indigenous governing bodies, and the provincial government. Further details on the implementation of MJEMOs will be included in the upcoming local authority regulation.

Business Continuity Plans

The legislation will require government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies to have business continuity plans. These plans will need to describe ways of ensuring the continued delivery of services during an emergency. Similar plans will be required for the Legislative Assembly, Cabinet, the office of the Lieutenant Governor in Council, and the courts. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

Accountability and Transparency

This legislation is important: It helps shape our collective efforts to promote safety and well-being through the four phases of emergency management, it includes a range of powers that can temporarily suspend our normal way of life in times of crisis, and it repositions the relationships of the Province, local governments, and critical infrastructure owners with Indigenous governing bodies. When legislation is capable of doing these things, it makes sense that it should include features to ensure accountability and transparency.

Reporting Requirements

The legislation will include a variety of new reporting requirements:

- Annually, the **minister** must provide the Speaker of the Legislative Assembly with a report on expenditures made using the statutory appropriation. This report will outline any spending that occurs outside of the base budget allocated to the Ministry of Emergency Management and Climate Readiness.
- As and when required by the minister, **local governments** must prepare a report on any matter and provide that report to the provincial administrator.¹
- Within five business days of the Province exercising a response or recovery power under the legislation, the **minister** must provide a report to the Speaker of the Legislative Assembly. Further, if consultation and cooperation was required in relation to the power exercised, but 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 Province exercised the power without consulting relevant Indigenous governing bodies, the report must provide reasons for that decision.
- Within 120 days of the expiry or cancellation of a state of provincial emergency or provincial recovery period, the **provincial administrator** must prepare a report describing the nature of the emergency and the response or recovery powers exercised. Within five business days of receiving the report, the **minister** must provide a copy to the Speaker of the Legislative Assembly.
- Within 120 days of the expiry or cancellation of a state of local emergency or local recovery period, a **local government** must prepare a report describing the nature of the emergency and the response or recovery powers exercised, and provide that report to the provincial administrator. Further, if consultation and cooperation was required in relation to the power exercised, but 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 local government exercised the power without consulting relevant Indigenous governing bodies, the report must provide reasons for that decision. The minister may request a report on a state of local emergency or local recovery period, comparable to the reports required from local governments, from a Modern Treaty Nation.

¹ The provincial administrator will be a person within the Ministry of Emergency Management and Climate Readiness designated by the minister to administer B.C.'s emergency management legislation.

Annual Meetings Regarding Agreements

The provincial administrator will be required to invite Indigenous governing bodies that are parties to agreements made under the legislation to meet with the Ministry of Emergency Management and Climate Readiness at least once per calendar year to discuss the effectiveness of the agreements.

These meetings will also provide opportunities to build and maintain relationships and to discuss how other features of the legislation, such as consultation and cooperation, have been working.

Five-Year Review

This legislation will introduce some significant changes to the way emergency management is practiced in B.C. It has been built on the strength of several years of engagement with partners and stakeholders and reflects some intensive co-development work to ensure that it aligns with the United Nations Declaration on the Rights of Indigenous Peoples and is responsive to the valuable input we received from Indigenous organizations and First Nations.

With the degree of change introduced by this legislation, it will be important to take stock of what worked well and what may need improvement in the future. For this reason, the legislation will include a requirement for the minister to initiate a review of the Act and regulations within five years of the Act receiving royal assent. The review must involve local governments and be done in consultation and cooperation with Indigenous governing bodies, including the Modern Treaty Nations. It must also consider the rights of Indigenous Peoples.

When the review is completed, the minister must issue a public report.

Preparing for B.C.'s New Emergency Management Legislation

Phasing-In

Implementation of the new emergency management legislation will take place over time. Different requirements will be effective at different times, with some becoming effective when new regulations are made. Most of the legislation will become effective when it receives royal assent. This phasing is designed to make new tools available early in the transition while providing more time before new requirements must be met.

The legislation will also include transitional provisions to help ensure the move from the Emergency Program Act to the new legislation is smooth. For example, there will be transitional provisions to provide certainty around any states of local or provincial emergency that may be in place when the new legislation becomes effective.

Key things that will become effective when the legislation receives royal assent include:

- Definitions and guiding principles
- The role of the provincial emergency management organization (i.e., the Ministry of Emergency Management and Climate Readiness)
- Authority to enter into agreements with Indigenous governing bodies
- Requirements for local authorities to begin work to reach agreement with Indigenous governing bodies for the purposes of consultation and cooperation during the response and recovery phases, and to consult and cooperate accordingly
- Increased timelines for states of emergency
- Authority to declare recovery periods
- All response and recovery powers that are available during a declared state of emergency or recovery period
- Annual and post-emergency reporting requirements

The government intends to focus on six core subject areas for regulations over the next two years, with new regulations targeted for fall 2023 and mid-2024. The Ministry of Emergency Management and Climate Readiness will be conducting further engagement and co-development to draft the new regulations.

These subject areas include:

1. **General:** A collection of smaller concepts required to supplement the legislation (e.g., establishing definitions or rules for parts of the legislation that contemplate regulations for this purpose).
2. **Provincial government ministries:** Regulations will include the assignment of hazards to provincial ministries. Requirements for lead ministers to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
3. **Local authorities:** Regulations will supplement and complete rules from the statute as they pertain to the roles and responsibilities of local authorities. The regulation will also finalize the framework for multijurisdictional emergency management organizations. Requirements for local authorities to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
4. **Critical infrastructure:** Regulations will define critical infrastructure and will supplement and complete rules from the statute as they pertain to the roles and responsibilities of critical infrastructure owners. Requirements for critical infrastructure owners to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
5. **Compensation and financial assistance:** Regulations will set out parameters for the payment of compensation and financial assistance. Until new compensation and financial assistance regulations become effective, disaster financial assistance will continue to be administered under the Compensation and Disaster Financial Assistance Regulation made under the Emergency Program Act.
6. **Compliance and enforcement:** Regulations will supplement and complete compliance and enforcement rules from the statute, such as those pertaining to cost recovery and administrative monetary penalties.

Supports

The release of this technical paper is just one of many actions planned by the Ministry of Emergency Management and Climate Readiness to help prepare B.C.'s emergency management community for the modernized legislation.

Additional support will be made available over the summer and early fall. Watch our website for up-to-date information on supports and upcoming engagement and co-development activities:

<https://www2.gov.bc.ca/gov/content/safety/emergency-management/emergency-management/legislation-and-regulations/modernizing-epa>

You can subscribe to the page to be notified of updates.

If you have questions about the legislation, you can email ModernizeEM@gov.bc.ca.

B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

Appendix 1: Roles in Emergency Management

Ministry of Emergency Management and Climate Readiness

- Provide oversight, leadership, and coordination of activities
- Prepare, maintain, and implement the comprehensive emergency management plan (CEMP)
- Make information public on potential emergencies
- Can exercise statutory response and recovery powers, and must report accordingly

Provincial Ministries

- Prepare risk assessments for hazards
- Prepare and maintain emergency management plans
- Take measures outlined in the CEMP
- Prepare a business continuity plan

Municipalities and Regional Districts

- Prepare risk assessments for hazards within their jurisdiction
- Prepare, maintain, and implement emergency management plans
- Prepare a business continuity plan
- Can exercise statutory response and recovery powers, and must report accordingly

First Nations Peoples

- Have inherent authority to make laws relating to emergency management
- Take actions, in reliance on this inherent authority, in their traditional territories
- Authority is respected by other partners
- Through Indigenous governing bodies, may enter into agreements

Nisga'a Nation / Modern Treaty Nations

- May choose to prepare risk assessments and emergency management plans
- Can exercise statutory response and recovery powers
- As Indigenous governing bodies, may enter into agreements

Critical Infrastructure Owners

- Prepare risk assessments for the hazards that may affect critical infrastructure
- Prepare, maintain, and implement emergency management plans
- Prepare a business continuity plan

Volunteer Organizations

- May apply to be authorized as public safety providers
- Volunteers may then be deployed by the Province

B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

Appendix 2: Response and Recovery Powers



The following tables:

- summarize the powers that will be available under the modernized legislation for emergency response and recovery;
- describe who will be authorized to exercise the powers;
- describe when the powers can be exercised; and,
- indicate when consultation and cooperation is required.

Unless otherwise indicated in **Table 2.2**, powers held by a provincial decision-maker (the minister, the provincial administrator, or the Lieutenant Governor in Council) require a provincially-declared state of emergency or recovery period, as applicable, to be in place. Powers held by a non-provincial decision-maker (a municipality, regional district, or Modern Treaty Nation) require a locally-declared state of emergency or recovery period, as applicable, to be in place.

Note that the term “local authority,” used under the Emergency Program Act, will also be used in B.C.’s modernized emergency management legislation. One difference is that the Modern Treaty Nations will be distinct forms of local authorities for the purposes of the new legislation. Under the new legislation, while municipalities, regional districts, and Modern Treaty Nations are all local authorities, the powers available to each differ in some cases. For simplicity, the tables below refer to each of these entities separately, rather than using the collective term “local authority.”

Table 2.1: Powers Available at Any Time

	Description of Power	Power Available To	Power Available at Any Time ²
1	Require a public sector agency, municipality, regional district, or critical infrastructure owner to take one or more of the following actions: <ul style="list-style-type: none"> ■ provide information ■ consult and coordinate ■ take one or more emergency measures ■ provide resources or the use of land ■ comply with directions 	Minister	
2	In circumstances where a person who is authorized to exercise response or recovery powers is unable to adequately respond or recover, require a municipality or regional district to take one of the following actions either within its own jurisdiction or within another jurisdiction: <ul style="list-style-type: none"> ■ take one or more emergency measures ■ provide resources or the use of land ■ comply with directions 	Minister	

² Not Restricted to Declared State of Emergency or Declared Recovery Period.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (1/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
3	Do all acts and implement all procedures necessary to respond to an emergency	Minister	✓		
		Modern Treaty Nations	✓		
4	Require a person to provide information	Minister	✓		
5	Identify essential goods, services, property, or facilities and, in relation to those things, do any of the following: <ul style="list-style-type: none"> ■ establish price controls ■ ration or provide for their distribution or use ■ provide for their restoration 	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
6	Identify essential goods, services, property, or facilities and, in relation to those things, prohibit or limit seizures or evictions	Minister	✓		
		Lieutenant Governor in Council		✓	
		Modern Treaty Nations	✓		
7	Authorize a qualified person to provide a service or give assistance	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (2/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
8	Require a qualified person to provide a service or give assistance	Minister	✓		
		Municipalities and Regional Districts	✓		
		Modern Treaty Nations	✓		
9	Provide for the provision and maintenance of necessities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
10	Appropriate, use, or control the use of goods	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
11	Use or control the use of land	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (3/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
12	Authorize entry into structures or onto land to take emergency measures	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
13	Prohibit entry into structures or onto land so that emergency measures can be taken	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
14	Authorize or require alterations, removal, or demolition of trees, crops, structures, or landscapes	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (4/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
15	Authorize or require the construction, alteration, removal, or demolition of works	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
16	Require structures to be assessed for damage	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
17	Require the evacuation of persons or authorize the evacuation of persons or animals	Minister ³	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		

³ Unless the minister directs otherwise, powers 17 and 18 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (5/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
18	Authorize the removal of goods	Minister ³	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		
19	Control or prohibit travel	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
20	Control or prohibit business activities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

³ Unless the minister directs otherwise, powers 17 and 18 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (6/8)

Description of Power		Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
21	Control or prohibit events	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
22	Require a person to stop doing an activity, or put limits or conditions on doing an activity	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
23	Assume control over one or more fire services and designate the fire commissioner to exercise authority over those services	Minister responsible for the Fire Services Act	✓		
24	Make exemptions from requirements under enactments ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
25	Modify requirements under enactments ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

⁴ A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (7/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
26	Establish limits on how enactments apply ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
27	Establish powers or duties that replace or add to those in an enactment ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
28	Establish terms and conditions in relation to things done using powers 24 through 27 ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
29	Authorize issuers of licences, permits, or other authorizations made under enactments to modify, add, or remove limits or conditions, or the term, of the licences, permits, or other authorizations ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
30	Suspend or change (without shortening) time periods under enactments ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

⁴ A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (8/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
31	Provide that a failure to comply with a regulation made using powers 24 through 30 is to be treated as a failure to comply with the enactment modified using those powers ⁴	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
32	Prohibit entry into structures or onto land so that emergency measures for recovery can be taken, or to protect persons or objects or sites of heritage value	Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts		✓	✓
		Modern Treaty Nations		✓	
33	Adopt a bylaw to borrow money to pay response or recovery expenses	Municipalities and Regional Districts	✓	✓	

⁴ A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

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Corrected minor error in Table 2.2 of Appendix 2, where power 24 was omitted and power 26 was duplicated (as power 25).
Corrected page number references in the table of contents.