

This Act is current to February 24, 2021

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

EMERGENCY PROGRAM ACT

[RSBC 1996] CHAPTER 111

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Part 1 — Definitions and Application

Definitions

1 (1) In this Act:

"declaration of a state of emergency" means a declaration of the minister or the Lieutenant Governor in Council under section 9 (1);

"declaration of a state of local emergency" means a declaration of a local authority or the head of a local authority under section 12 (1);

"director" means the person appointed under section 2 (3) as the director of the Provincial Emergency Program;

"disaster" means a calamity that

- (a) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
- (b) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;

"electoral area" means an electoral area as defined in the *Local Government Act*;

"emergency" means a present or imminent event or circumstance that

- (a) is caused by accident, fire, explosion, technical failure or the forces of nature, and
- (b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property;

"government corporation" has the same meaning as in the *Financial Administration Act*, and includes the South Coast British Columbia Transportation Authority continued under the *South Coast British Columbia Transportation Authority Act* and any of its subsidiaries;

"head of a local authority" means

- (a) for a municipality, the mayor or a person designated by the municipal council to act in the capacity of mayor in the mayor's absence, and
- (b) for an electoral area in a regional district, the chair of the board of the regional district, or, in the chair's absence, a vice chair;

"jurisdictional area" means any of the following for which there is a local authority:

- (a) a municipality;

- (b) an electoral area;
- (c) a national park;

"local authority" means

- (a) for a municipality, the municipal council,
- (b) for an electoral area in a regional district, the board of the regional district,
or
- (c) for a national park, the park superintendent or the park superintendent's delegate if an agreement has been entered into with the government of Canada under section 4 (2) (e) in which it is agreed that the park superintendent is a local authority for the purposes of this Act;

"local emergency plan" means an emergency plan prepared under section 6 (2);

"Provincial Emergency Program" means the Provincial Emergency Program continued under section 2 (1);

"Provincial emergency plans" means the emergency plans prepared under section 4 (1);

"volunteer" means a volunteer registered by a local authority or the Provincial Emergency Program for the purpose of responding to a disaster or an emergency.

- (2) A local authority has responsibility under this Act for the jurisdictional area for which it is the local authority.

Part 2 — Administration

Provincial Emergency Program

- 2 (1) The Provincial Emergency Program is continued.
- (2) The Provincial Emergency Program is responsible for carrying out the powers and duties vested in it under this Act or by the minister.
- (3) A director and any officers and employees required to enable the Provincial Emergency Program to perform its duties and exercise its powers may be appointed in accordance with the *Public Service Act*.

Committees

- 3 (1) The minister may appoint the committees the minister considers necessary or desirable to advise or assist the Lieutenant Governor in Council, the minister or the director.
- (2) The members of committees appointed under subsection (1) who are not officers or employees of the government, or officers or employees of an agency of the government,
 - (a) are to be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in the discharge of their duties under this Act, and

- (b) may be paid remuneration for their services as the Lieutenant Governor in Council may order.

Powers and duties of minister

- 4 (1) The minister must prepare emergency plans respecting preparation for, response to and recovery from emergencies and disasters.
- (2) The minister may do one or more of the following:
 - (a) conduct public information programs relating to emergency preparedness and recommend preventive measures to alleviate the effects of emergencies or disasters;
 - (b) make surveys and studies to identify and record actual and potential hazards that may cause emergencies or disasters;
 - (c) make payments and grants, subject to any terms or conditions that the minister may impose, to local authorities or other persons or organizations for the purposes of assisting in emergency prevention, preparedness and response;
 - (d) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs;
 - (e) enter into agreements with the government of Canada or of any other province, or with any agency of such a government, dealing with emergency plans and programs;
 - (f) review and recommend modification of local emergency plans of local authorities;
 - (g) establish training and training exercise programs;
 - (h) provide support to volunteers as prescribed in the regulations;
 - (i) delegate in writing to the director any of the powers or duties vested in the minister by this Act, except a power
 - (i) to make a declaration of a state of emergency,
 - (ii) to cancel a declaration of a state of emergency,
 - (iii) to cancel a declaration of a state of local emergency, or
 - (iv) to make an order under section 13 (2).

Ministerial orders

- 5 The minister may, by order, do one or more of the following:
 - (a) divide British Columbia into various subdivisions for the purpose of organizing integrated plans and programs in relation to emergency preparedness, response and recovery;
 - (b) require local authorities of the municipalities or electoral areas located within a subdivision referred to in paragraph (a) to prepare, in cooperation

with designated ministries, integrated plans and programs, satisfactory to the minister, to deal with emergencies;

- (c) establish procedures required for the prompt and efficient implementation of plans and programs to meet emergencies and disasters;
- (d) require a person to develop plans and programs in cooperation with one or more local authorities, designated ministries and government corporations and agencies to remedy, alleviate or meet any emergency that might arise from any hazard to persons or property and that is or may be created by
 - (i) the person engaging in any operation,
 - (ii) the person utilizing any process,
 - (iii) the person using property in any manner, or
 - (iv) any condition that exists or may exist on the person's land.

Local authority emergency organization

6 (1) Subject to sections 8 (2), 13 (2) and 14 (3), a local authority is at all times responsible for the direction and control of the local authority's emergency response.

(2) Subject to subsection (2.1), a local authority must prepare or cause to be prepared local emergency plans respecting preparation for, response to and recovery from emergencies and disasters.

(2.1) For the purposes of subsection (2), a local authority that is the board of a regional district must ensure that it has one local emergency plan that applies, or 2 or more local emergency plans that in the aggregate apply, to all of the electoral areas within the regional district.

(3) A local authority that is a municipal council or the board of a regional district must establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters and, for that purpose,

(a) if the local authority is a municipal council, the municipal council must establish and maintain an emergency management organization with responsibility for the whole of the municipality, and

(b) if the local authority is the board of a regional district, the board of the regional district must establish and maintain

(i) one emergency management organization with responsibility for all of the electoral areas within the regional district, or

(ii) 2 or more emergency management organizations that in the aggregate have responsibility for all of the electoral areas within the regional district.

(3.1) Without limiting subsection (3), a local authority that is a municipal council or the board of a regional district may

(a) appoint committees the local authority considers necessary or desirable to advise and assist the local authority, and

- (b) appoint a coordinator for each emergency management organization established by it under subsection (3).

(3.2) The minister may, by order, establish one or both of the following:

- (a) if a local authority has not complied with subsections (2) and (2.1), the date by which the local emergency plan or plans required under those subsections must be prepared, with power to establish, for the board of a regional district, different dates for the preparation of local emergency plans for different electoral areas within the regional district;
 - (b) if a local authority has not complied with subsection (3), the date by which the emergency management organization or organizations required under that subsection must be established, with power to establish, for the board of a regional district, different dates for the establishment of emergency management organizations for different electoral areas within the regional district.
- (4) A local authority may, in writing, delegate any of its powers and duties under this Act to the committee, emergency management organization or coordinator referred to in subsection (3), except the power to make a declaration of a state of local emergency.

Part 3 — Emergencies, Disasters and Declared Emergencies

Division 1 — Emergencies and Disasters

Implementation of Provincial emergency plans

- 7 The minister or a person designated in a Provincial emergency plan may, whether or not a state of emergency has been declared under section 9 (1), cause a Provincial emergency plan to be implemented if, in the opinion of the minister or the designated person, an emergency exists or appears imminent or a disaster has occurred or threatens.

Implementation of local emergency plans

- 8 (1) A local authority or a person designated in the local authority's local emergency plan may, whether or not a state of local emergency has been declared under section 12 (1), cause the plan to be implemented if, in the opinion of the local authority or the designated person, an emergency exists or appears imminent or a disaster has occurred or threatens in
- (a) the jurisdictional area for which the local authority has responsibility, or
 - (b) any other municipality or electoral area if the local authority having responsibility for that other jurisdictional area has requested assistance.
- (2) If a Provincial emergency plan has been implemented under section 7, a local emergency plan may be implemented or its implementation may be continued under subsection (1) of this section if and to the extent that the local emergency plan is not in conflict with the Provincial emergency plan.

Division 2 — Declaration of State of Emergency

Declaration of state of emergency

- 9** (1) If satisfied that an emergency exists or is imminent, the minister or the Lieutenant Governor in Council may, by order, declare a state of emergency relating to all or any part of British Columbia.
- (2) A declaration of a state of emergency under subsection (1) must identify the nature of the emergency and the area of British Columbia in which the emergency exists or is imminent.
- (3) Immediately after a declaration of a state of emergency is made, the minister must cause the details of the declaration to be published by a means of communication that the minister considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- (4) A declaration under subsection (1) expires 14 days from the date it is made, but the Lieutenant Governor in Council may extend the duration of the declaration for further periods of not more than 14 days each.
- (5) Subsections (2) and (3) apply to each extension under subsection (4) of the duration of a declaration of a state of emergency.

Powers of minister in declared state of emergency

- 10** (1) After a declaration of a state of emergency is made under section 9 (1) and for the duration of the state of emergency, the minister may do all acts and implement all procedures that the minister considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including, without limitation, any or all of the following:
- (a) implement a Provincial emergency plan or any Provincial emergency measures;
 - (b) authorize a local authority to implement a local emergency plan or emergency measures for all or any part of the jurisdictional area for which the local authority has responsibility;
 - (c) require a local authority for a municipality or an electoral area to implement a local emergency plan or emergency measures for all or any part of the municipality or electoral area for which the local authority has responsibility;
 - (d) acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - (e) authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
 - (f) control or prohibit travel to or from any area of British Columbia;
 - (g) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency

medical, welfare and other essential services in any part of British Columbia;

- (h) cause the evacuation of persons and the removal of livestock, animals and personal property from any area of British Columbia that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
- (i) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the minister to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- (j) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the minister to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
- (k) construct works considered by the minister to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
- (l) procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of British Columbia for the duration of the state of emergency.

(2) After a declaration of a state of emergency is made under section 9 (1),

- (a) the director or such other person as the minister may appoint is responsible for the coordination and implementation of necessary plans or programs prepared under this Act, and
- (b) all persons and agencies involved in the coordination and implementation are subject to the control and direction of the director or the other person appointed by the minister.

Powers of Lieutenant Governor in Council in declared state of emergency

10.1 (1) After a declaration of a state of emergency is made under section 9 (1), and for the duration of the state of emergency, the Lieutenant Governor in Council may, subject to this section, make regulations as follows to prevent, respond to or alleviate the effects of an emergency or a disaster:

- (a) making an exception to an enactment;
- (b) establishing limits on the application of an enactment;
- (c) establishing powers, duties, functions or obligations that apply in place of or in addition to an enactment;
- (d) establishing conditions in relation to anything done or established under paragraphs (a) to (c).

- (2) Without limiting subsection (1) and subject to this section, the Lieutenant Governor in Council may make regulations as follows to prevent, respond to or alleviate the effects of an emergency or a disaster:
- (a) suspending the application of a provision that establishes a limitation period or a period of time within which a proceeding or process must be commenced or a step must be taken in a proceeding or process;
 - (b) setting out a replacement limitation period or period of time for one suspended under paragraph (a) of this subsection;
 - (c) authorizing an issuer of a permit, licence or other authorization to modify the conditions of a permit, licence or other authorization or to add or remove conditions of a permit, licence or other authorization;
 - (d) authorizing a person, tribunal or other body that has a statutory power of decision to waive, suspend or extend a mandatory time period relating to the exercise of that power.
- (3) The Lieutenant Governor in Council may make a regulation under subsection (1) or (2) only if satisfied that the benefit of making the regulation is proportionate to the benefit of the continued application of the enactment as it is before the making of the regulation.
- (4) A limitation period or period of time established under subsection (2) (b) or extended by authorization under subsection (2) (d) may extend beyond the date when the relevant declaration of a state of emergency expires or is cancelled.
- (5) If a provision establishing a limitation period or a period of time within which a proceeding or process must be commenced or a step must be taken in a proceeding or process is temporarily suspended by regulation under subsection (2) (a) and the regulation does not provide for a replacement limitation period or period of time, the limitation period or period of time resumes running on the date on which the relevant declaration of a state of emergency expires or is cancelled, and the temporary suspension period is not to be counted.
- (6) If a provision requiring the payment of a fee is temporarily suspended by a regulation under subsection (1) or (2) and the regulation does not provide for a replacement fee, no fee is payable at any time with respect to things done during the temporary suspension period.
- (7) This section does not authorize regulations
- (a) shortening a limitation period or a period of time within which a proceeding or process must be commenced or a step must be taken in a proceeding or process, or
 - (b) increasing the amount of a fee.
- (8) A regulation under subsection (1) or (2) may be made retroactive to a specified date that is not earlier than the date of the relevant declaration of a state of emergency and, if made retroactive, is deemed to have come into force on the specified date.

Enforcement

10.2 The Lieutenant Governor in Council may, by regulation, specify that a failure to comply with a provision of a regulation made under section 10.1 (1) or (2) is to be treated as though it were a failure to comply with the Act to which that provision relates.

Cancellation of declaration of state of emergency

- 11** (1) When, in the opinion of the minister or the Lieutenant Governor in Council, an emergency no longer exists in an area in relation to which a declaration of a state of emergency was made under section 9 (1), the minister or the Lieutenant Governor in Council must make an order cancelling the declaration of a state of emergency in respect of that area.
- (2) Immediately after an order is made under subsection (1) or a declaration of a state of emergency expires under section 9 (4), the minister must cause the details of the cancellation or expiry of the declaration of a state of emergency to be published by a means of communication that the minister considers most likely to make the contents of the cancellation order or the fact of the cancellation or expiry known to the majority of the population of the affected area.

Division 3 — Declaration of Local Emergency

Declaration of state of local emergency

- 12** (1) A local authority or, if a local authority consists of more than one person, the head of the local authority, may, at any time that the local authority or the head of the local authority, as the case may be, is satisfied that an emergency exists or is imminent in the jurisdictional area for which the local authority has responsibility, declare a state of local emergency relating to all or any part of the jurisdictional area.
- (2) A declaration of a state of local emergency under subsection (1) must identify the nature of the emergency and the part of the jurisdictional area in which it exists or is imminent, and the declaration must be made
- (a) by bylaw or resolution if made by a local authority, or
 - (b) by order, if made by the head of a local authority.
- (3) The head of a local authority must, before making a declaration under subsection (1), use best efforts to obtain the consent of the other members of the local authority to the declaration and must, as soon as practicable after making a declaration under subsection (1), convene a meeting of the local authority to assist in directing the response to the emergency.
- (4) Immediately after making a declaration of a state of local emergency, the local authority or the head of the local authority, as the case may be, must
- (a) forward a copy of the declaration to the minister, and
 - (b) cause the details of the declaration to be published by a means of communication that the local authority or the head of the local authority, as the case may be, considers most likely to make the contents of the declaration known to the population of the affected area.

- (5) Subject to section 14 (3), a declaration of a state of local emergency expires 7 days from the date it is made unless it is earlier cancelled by the minister, the Lieutenant Governor in Council, the local authority or the head of the local authority.
- (6) Despite subsection (5), the local authority may, with the approval of the minister or the Lieutenant Governor in Council, extend the duration of a declaration of a state of local emergency for periods of not more than 7 days each.
- (7) Subsections (2) and (4) apply to each extension under subsection (6) of the duration of a declaration of a state of local emergency.

Powers of local authority in declared state of local emergency

- 13** (1) After a declaration of a state of local emergency is made under section 12 (1) in respect of all or any part of the jurisdictional area for which a local authority has responsibility and for the duration of the state of local emergency, the local authority may do all acts and implement all procedures that it considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:
- (a) implement its local emergency plan or any local emergency measures;
 - (b) subject to this section, exercise, in relation to the part of the jurisdictional area affected by the declaration, any power available to the minister under section 10 (1) (d) to (l);
 - (c) subject to this section, authorize, in writing, any persons involved in the operation of a local emergency plan or program to exercise, in relation to any part of the jurisdictional area affected by a declaration, any power available to the minister under section 10 (1) (d) to (l).
- (2) If a state of local emergency has been declared under section 12 (1), the minister may order a local authority to refrain or desist, either generally or in respect of any matter, from exercising any one or more of the powers referred to in subsection (1) (b) or (c).
- (3) Immediately after making an order under subsection (2), the minister must cause the details of the order to be communicated to the local authority affected by the order and to any other persons the minister considers appropriate.
- (4) Immediately after the details of an order are communicated to a local authority under subsection (3), the local authority referred to in the order must comply with the order and must direct every person under its direction or control to refrain or desist from doing any act that the local authority is ordered to refrain or desist from doing.
- (5) For the purposes of subsections (3) and (4), the details of an order are communicated to a local authority when those details are communicated to any one of the members of the local authority.
- (6) The local authority of a municipality or electoral area may, during or within 60 days after declaring a state of local emergency, by bylaw ratified by the minister responsible for the administration of the *Community Charter*, but without obtaining

the approval of the electors or the assent of the electors, borrow any money necessary to pay expenses caused by the emergency.

Cancellation of declaration of state of local emergency

- 14** (1) The minister or the Lieutenant Governor in Council may cancel a declaration of a state of local emergency at any time the minister or the Lieutenant Governor in Council considers appropriate in the circumstances.
- (2) The local authority or the head of the local authority must, when of the opinion that an emergency no longer exists in the part of the jurisdictional area in relation to which a declaration of a state of local emergency was made,
- (a) cancel the declaration of a state of local emergency in relation to that part
 - (i) by bylaw or resolution, if the cancellation is effected by the local authority, or
 - (ii) by order, if the cancellation is effected by the head of the local authority, and
 - (b) promptly notify the minister of the cancellation of the declaration of a state of local emergency.
- (3) A declaration of a state of local emergency made in respect of a part of a jurisdictional area ceases have of any force or effect on the making of a declaration of a state of emergency by the minister or the Lieutenant Governor in Council relating to that part of the jurisdictional area.

Notification of termination of declaration of state of local emergency

- 15** (1) Immediately after the termination of a declaration of state of local emergency, the local authority having responsibility for the area in respect of which the declaration was made must cause the details of the termination to be published by a means of a communication that the local authority considers most likely to make the contents of the termination or the fact of the termination known to the majority of the population of the affected area.
- (2) For the purposes of subsection (1), a declaration of a state of local emergency is terminated when
- (a) it expires under section 12 (5) or (6),
 - (b) it is cancelled by the minister or the Lieutenant Governor in Council under section 14 (1),
 - (c) it is cancelled by bylaw, resolution or order under section 14 (2), or
 - (d) it ceases to have any force or effect under section 14 (3) as a result of the making of a declaration of a state of emergency under section 9 (1).

Part 4 — General

Expenditures

- 16** (1) Any expenditures under this Act considered necessary or advisable by the minister to make payments or grants under section 4 (2) (c) or (d) or to implement a Provincial emergency plan or Provincial emergency measures under section 7 or 10 (1) (a) may be paid out of the consolidated revenue fund without an appropriation other than this section.
- (2) Nothing in subsection (1) authorizes the minister to make a payment for disaster financial assistance out of the consolidated revenue fund.

Recovery of costs

- 17** (1) If an emergency or a disaster is threatened or caused in whole or in part by the acts or omissions of a person and expenditures are made by the government or a local authority to prevent, respond to or alleviate the effects of the emergency or disaster, the person must, on the request of the minister or head of a local authority, pay to the Minister of Finance or the local authority the lesser of
- (a) the portion of the expenditures that is equal to the portion of the liability for the occurrence of the emergency or disaster that is attributable to the person, and
 - (b) the amount demanded by the minister or head of a local authority.
- (2) Nothing in subsection (1) relieves a person from any other liability.

Exemption from civil liability

- 18** No person, including, without limitation, the minister, the other members of the Executive Council, the director, a local authority, the head of a local authority, a member of a local authority, a volunteer and any other person appointed, authorized or required to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damage or injury to person or property that results from
- (a) the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this Act, unless, in doing or omitting to do the act, the person was grossly negligent, or
 - (b) any acts done or omitted to be done by one or more of the persons who were, under this Act, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

Compensation for loss

- 19** (1) Despite section 18, if as a result of the acquisition or use of a person's land or personal property under section 10 (1) (d) or 13 (1) (b) or (c), the person suffers a loss of or to that property, the government or the local authority that acquired or used or directed or authorized the acquisition or use of the property must compensate the person for the loss in accordance with the regulations.
- (2) Despite section 18, if a person suffers any loss of or to any land or personal property as a result of any other action taken under section 7, 8 (1), 10 (1) or 13 (1), the government or the local authority, as the case may be, that took or authorized or

directed the taking of the action may compensate the person for the loss in accordance with the regulations.

- (3) If any dispute arises concerning the amount of compensation payable under this section, the matter must be submitted for determination by one arbitrator or 3 arbitrators appointed under the *Arbitration Act* and
- (a) the person who is to be compensated must, in a notice served on the minister, elect whether one or 3 arbitrators are to be appointed, and
 - (b) the *Arbitration Act* applies to the dispute.

Disaster financial assistance

- 20** (1) The Lieutenant Governor in Council may, by regulation, establish criteria by which the eligibility of a person to receive disaster financial assistance is to be determined.
- (2) The Lieutenant Governor in Council or the minister may provide disaster financial assistance in accordance with the regulations to persons who suffer loss as a result of a disaster.

Appeals to director on eligibility for disaster financial assistance

- 21** (1) A person may, by delivering to the director a written notice of appeal within 60 days after receipt of notice that the person was determined not to meet the eligibility criteria set under section 20 (1), appeal that determination.
- (2) If a written notice of appeal is not received by the director within the time limited for an appeal under subsection (1), the person in respect of whom the determination was made may not appeal the determination.
- (3) If a written notice of appeal is received by the director within the time limited for an appeal under subsection (1), the director must review the appellant's eligibility for disaster financial assistance in accordance with the information contained in the notice of appeal and may, but need not, do one or both of the following in conducting that review:
- (a) request additional information from the appellant;
 - (b) convene a hearing.
- (4) After conducting a review under subsection (3), the director may
- (a) confirm the determination, or
 - (b) overturn the determination and direct that the person be considered to be eligible to receive disaster financial assistance.
- (5) The director must inform the appellant of the decision reached under subsection (4).
- (6) A decision under subsection (4) is final and conclusive and is not open to question or review in a court on any grounds.

Appeals to director on amounts of disaster financial assistance

- 22** (1) A person may, by delivering to the director a written notice of appeal within 60 days after receipt of disaster financial assistance provided under section 20, appeal the

amount of that disaster financial assistance.

- (2) If a written notice of appeal is not received by the director within the time limited for an appeal under subsection (1), the person is deemed to have accepted the sum paid by way of disaster financial assistance in full settlement of the person's loss, and no proceedings to determine or seek an increase in the amount of the disaster financial assistance provided for that loss may be brought by that person.
- (3) If a written notice of appeal is received by the director within the time limited for an appeal under subsection (1), the director must review the amount of disaster financial assistance in accordance with the information contained in the notice of appeal and may, but need not, do one or both of the following in conducting that review:
 - (a) request additional information from the appellant;
 - (b) convene a hearing.
- (4) After conducting a review under subsection (3), the director may confirm, increase or decrease the amount of the disaster financial assistance and must inform the appellant of the decision.
- (5) A decision under subsection (4) is final and conclusive and is not open to question or review in a court on any grounds.

Repealed

23 [Repealed 2003-7-14.]

Variation of disaster financial assistance

- 24** (1) If a person is, under section 22, determined to be entitled to disaster financial assistance in an amount that is greater than the disaster financial assistance, if any, provided to the person under section 20, the government must promptly provide to the person the additional amount of disaster financial assistance decided by the director.
- (2) If the director determines, under section 22, that a person is entitled to an amount of disaster financial assistance that is less than the amount of disaster financial assistance provided to the person under section 20, the person must repay to the government the amount of the disaster financial assistance that was an overpayment within 60 days after being informed of the director's decision under section 22.

Mandatory assistance

- 25** (1) If a person who is authorized to do so under section 10 (1) (e) or 13 (1) makes an order requiring a person to provide assistance, the person named in the order must provide the assistance required by the order.
- (2) A person's employment must not be terminated by reason only that the person is required to provide assistance under this section.

Conflict

- 26** Unless otherwise provided for in a declaration of a state of emergency made under section 9 (1) or in an extension of the duration of a declaration under section 9 (4), if there is a conflict between this Act or the regulations made under this Act and any other Act or regulations, this Act and the regulations made under this Act prevail during the time that the declaration of a state of emergency made under section 9 (1) and any extension of the duration of that declaration is in effect.

Offence

- 27** (1) A person commits an offence who
- (a) contravenes this Act or the regulations, or
 - (b) interferes with or obstructs any person in the exercise of any power or the performance of any duty conferred or imposed under this Act.
- (2) A person who commits an offence under subsection (1) is liable to imprisonment for a term of not more than one year or to a fine of not more than \$10 000 or to both imprisonment and fine.

Power to make regulations

- 28** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) assigning responsibility to ministries, boards, commissions or government corporations or agencies for the preparation or implementation of all or any part of plans or arrangements to deal with emergencies or disasters;
 - (b) delegating to any person or committee appointed under this Act or to any one or more members of the Executive Council any of the powers vested by this Act in the minister or the Lieutenant Governor in Council, except the power to make an order for a declaration of a state of emergency or to make regulations;
 - (c) respecting the assessment of damage or loss caused by an emergency or disaster, the processing of claims for compensation for the damage or loss and the payment of compensation for the damage or loss;
 - (d) respecting eligibility for, the processing of claims for and the payment of disaster financial assistance;
 - (e) governing the sharing of costs incurred by the government or by a local authority in conducting emergency operations;
 - (f) respecting the registration, responsibilities and training of and training exercises for volunteers and volunteer agencies;
 - (g) requiring persons to develop plans and programs in cooperation with one or more local authorities, designated ministries and government corporations and agencies to remedy, alleviate or meet any emergency that

might arise from any hazard to persons or property and that is or may be created by

- (i) the person engaging in any operation,
 - (ii) the person utilizing any process,
 - (iii) the person using property in any manner, or
 - (iv) any condition that exists or may exist on the person's land;
- (h) respecting the form and content of emergency plans;
- (i) in respect of any power available to a local authority under section 13 (1);
- (j) respecting the form and content of any notice of appeal delivered to the director under section 21 (1) or 22 (1).

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