

## Emergency Measures Act, RSNB 2011, c 147

**This Act was amended by several enactments that came into force retroactively. This may cause some versions to contain changes that did not occur exactly at the displayed dates. This statute replaces RSNB 1973, c E-7, SNB 1978, c E-7.1.**

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### 2011, c.147

## Emergency Measures Act

*Deposited May 13, 2011*

### INTERPRETATION

#### Definitions

**1** The following definitions apply in this Act.

“assisting force” means anyone sent by another jurisdiction to assist the Province during a state of emergency when that assistance has been requested by the Minister under an agreement authorized by [paragraph 6\(1\)\(a\)](#). (*force de soutien*)

“Director” means the Director and Deputy Director of the Emergency Measures Organization. (*directeur*)

“disaster” means any real or anticipated occurrence such as disease, pestilence, fire, flood, tempest, explosion, enemy attack or sabotage, which endangers property, the environment or the health, safety or welfare of the civil population. (*désastre*)

“emergency” means a present or imminent event in respect of which the Minister or municipality, as the case may be, believes prompt coordination of action or regulation of persons or property must be undertaken to protect property, the environment or the health, safety or welfare of the civil population. (*situation d’urgence*)

“Emergency Measures Organization” means the New Brunswick Emergency Measures Organization established under [section 3](#). (*Organisation des mesures d’urgence*)

“emergency measures plan” means a plan, program or procedure prepared by the Province or a municipality, as the case may be, that is intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property and the environment in the event of such an occurrence. (*plan de mesures d’urgence*)

“fire marshal” means the fire marshal appointed under the [Fire Prevention Act](#). (*prévôt des incendies*)

“Minister” means the Minister of Justice and Public Safety. (*ministre*)

“municipality” means a local government as defined in [subsection 1\(1\)](#) of the [Local Governance Act](#). (*municipalité*)

“state of emergency” means a state of emergency declared by the Minister under [subsection 10\(1\)](#) or renewed under [subsection 17\(2\)](#). (*état d’urgence*)

“state of local emergency” means a state of local emergency declared by a municipality under [subsection 10\(2\)](#) or renewed under [subsection 18\(2\)](#). (*état d’urgence locale*)

“Workplace Health, Safety and Compensation Commission” means the Workplace Health, Safety and Compensation Commission established under the [Workplace Health, Safety and Compensation Commission and Workers’ Compensation Appeals Tribunal Act](#). (*Commission de la santé, de la sécurité et de l’indemnisation des accidents au travail*)

1978, c.E-7.1, s.1; 1981, c.80, s.29, s.30; 1986, c.8, s.36; 1989, c.55, s.29; 1992, c.2, s.17; 1994, c.70, s.3; 1998, c.41, s.46; 2000, c.26, s.102; 2000, c.42, s.1; 2005, c.7, s.27; 2014, c.49, s.32; 2016, c.37, s.59; 2017, c.20, s.62; 2019, c.2, s.45; 2020, c.25, s.45

## ADMINISTRATION

### Administration

**2(1)** The Minister is responsible for the administration of this Act.

**2(2)** The Minister shall coordinate emergency measures plans within the Province and may delegate powers vested in him or her by or under this Act.

1978, c.E-7.1, s.2

### Emergency Measures Organization

**3(1)** The New Brunswick Emergency Measures Organization is established.

**3(2)** A Director, Deputy Director and other officers, as required, may be appointed in accordance with the [Civil Service Act](#) for the administration of the Emergency Measures Organization.

**3(3)** The Emergency Measures Organization has and shall exercise and perform the powers and duties that are vested in it by or under this Act and those assigned to it by the Minister.

1978, c.E-7.1, s.3

### Committee of Executive Council appointed by Lieutenant-Governor in Council

**4** The Lieutenant-Governor in Council may appoint from among the members of the Executive Council a committee to advise the Executive Council on matters relating to emergencies and disasters.

1978, c.E-7.1, s.4

### **Committees appointed by the Emergency Measures Organization**

**5(1)** The Emergency Measures Organization may appoint the committees that it considers necessary or desirable to advise or assist it, the Minister or the committee appointed under [section 4](#).

**5(2)** A member of a committee appointed under subsection (1) who is not an employee of the Crown or of an agency of the Crown may be paid for his or her services and expenses at rates fixed by the Minister.

1978, c.E-7.1, s.5

## **PLANNING FOR AN EMERGENCY**

### **Agreement in respect of emergency measures**

**6(1)** Subject to the approval of the Lieutenant-Governor in Council, the Minister may

(a) enter into agreements with the Government of Canada, the government of a province or territory of Canada or the government of a state of the United States of America, or an agent of any of them, with respect to emergency measures plans;

(b) enter into agreements with the Government of Canada and the Workplace Health, Safety and Compensation Commission for the administration and payment of compensation benefits to persons engaged in training or carrying out duties related to a state of emergency or a state of local emergency; and

(c) acquire by purchase or lease real and personal property for the purposes of administering the Emergency Measures Organization.

**6(2)** The Workplace Health, Safety and Compensation Commission is authorized and empowered to execute and administer an agreement mentioned in paragraph (1)(b).

1978, c.E-7.1, s.6; [1981, c.80, s.30](#); [1994, c.70, s.3](#); [2000, c.42, s.2](#)

### **Powers of the Emergency Measures Organization**

**7** Subject to the approval of the Minister, the Emergency Measures Organization may do the following:

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

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

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

(d) conduct public information programs related to the prevention and mitigation of damage by disaster;

- (e) conduct training and training exercises for the effective implementation of emergency measures plans;
- (f) procure food, clothing, medicines, equipment and goods of any nature or kind for the purposes of emergencies and disasters; and
- (g) authorize or require the implementation of an emergency measures plan.

1978, c.E-7.1, s.7; [1982, c.3, s.20](#)

## **Powers of Minister**

**8(1)** The Minister may do the following:

- (a) divide the Province into districts and subdistricts for the purposes of this Act;
- (b) after consultation with a municipality, designate the boundaries of the municipality to include areas adjacent to it for the purposes of this Act;
- (c) require municipalities to prepare emergency measures plans, including mutual assistance programs, and to submit them to the Emergency Measures Organization for review for adequacy and integration with the Provincial emergency measures plans;
- (d) establish procedures for the prompt and efficient implementation of emergency measures plans; and
- (e) require any person to develop emergency measures plans in conjunction with the Emergency Measures Organization or the municipalities to remedy or alleviate any hazard to persons, property or the environment that is or that may be created by
  - (i) a condition that exists or may exist on the person's property,
  - (ii) the person's use of property,
  - (iii) an operation in which the person is or may be engaged, or
  - (iv) a process that the person is or may be utilizing.

**8(2)** Where the boundaries of a municipality include areas adjacent to it as designated under paragraph (1)(b), that area is bound by any action taken by the municipality with respect to the provisions of this Act.

1978, c.E-7.1, s.8; [2000, c.42, s.3](#)

## **Powers of municipalities**

**9** Each municipality

- (a) shall establish and maintain a municipal emergency measures organization,
- (b) shall appoint a director of the municipal emergency measures organization and prescribe his or her duties, which shall include the preparation and coordination of emergency measures plans for the municipality,
- (c) shall appoint a committee consisting of members of its council to advise it on the development of emergency measures plans,
- (d) shall prepare and approve emergency measures plans,
- (e) may pay the expenses of members of the committee appointed under paragraph (c),

(f) may enter into agreements with and make payments to persons and organizations for the provision of services in the development and implementation of emergency measures plans, and

(g) may appropriate and expend sums approved by it for the purposes of this section.

1978, c.E-7.1, s.9

## STATES OF EMERGENCY

### Declaration

**10(1)** When the Minister is satisfied that an emergency exists or may exist, the Minister may declare a state of emergency at any time with respect to all or any area of the Province.

**10(2)** When a municipality is satisfied that an emergency exists or may exist in all or any area of the municipality, it may declare a state of local emergency in respect of the municipality or the area of the municipality.

**10(3)** A declaration under this section shall identify the nature of the emergency and the area in which it exists.

1978, c.E-7.1, s.11

### Publication of declaration

**11** When a state of emergency or a state of local emergency has been declared under this Act, the Minister or the municipality, as the case may be, shall immediately cause the details of the declaration to be communicated or published by those means that the Minister or municipality considers the most likely to make the contents of the declaration known to the civil population of the area affected.

1978, c.E-7.1, s.12

### Powers of Minister and municipality

**12** On a state of emergency being declared in respect to the Province or an area of the Province, or on a state of local emergency being declared in respect to a municipality or an area of a municipality, the Minister may, during the state of emergency, in respect of the Province or an area of the Province, or the municipality may, during the state of local emergency, in respect of the municipality or an area of the municipality, as the case may be, do everything necessary for the protection of property, the environment and the health or safety of persons therein, including

(a) to cause an emergency measures plan to be implemented;

(b) to acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or by any means considered necessary;

(c) to authorize or require any person to render the aid that the person is competent to provide;

(c.1) in the case of the Minister, to provide emergency childcare services;

(d) to control or prohibit travel to or from any area or on any road, street or highway;

(e) to provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and coordination of emergency medical, social

and other essential services;

(f) to cause the evacuation of persons and the removal of livestock and personal property threatened by a disaster or emergency, and make arrangements for the adequate care and protection of them;

(g) to authorize any person properly identified as authorized by the Minister, by the Emergency Measures Organization or by the municipal emergency measures organization to enter into any building or on any land without warrant;

(h) to cause the demolition or removal of any building, structure, tree or crop if the demolition or removal is necessary or advisable for the purposes of reaching the scene of a disaster, of attempting to forestall its occurrence or of combatting its progress;

(i) to procure or fix prices for food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment; and

(j) to order the assistance, with or without remuneration, of persons needed to carry out the provisions mentioned in this section;

and in addition, the Minister may authorize or require a municipality to cause an emergency measures plan for the municipality, or any part of the municipality, to be implemented.

1978, c.E-7.1, s.13; [1982, c.3, s.20](#); [1983, c.29, s.1](#); [2000, c.42, s.4](#); [2020, c.13, s.1](#)

### **Powers of Minister on the recommendation of the Attorney General – limitation periods**

[2020, c.13, s.2](#)

**12.1** On a state of emergency being declared in respect to the Province or an area of the Province, on the recommendation of the Attorney General, the Minister may, by order,

(a) suspend the operation of the provisions of any act, regulation, rule, municipal by-law or ministerial order that establish limitation periods for commencing any proceeding before a court, administrative tribunal or other decision-maker;

(b) suspend the operation of the provisions of any act, regulation, rule, municipal by-law or ministerial order that establish time periods for taking steps in any proceeding before a court, administrative tribunal or other decision-maker; and

(c) provide for the suspensions referred to in paragraphs (a) and (b) to begin on the date of the declaration of the state of emergency and to end no later than 90 days after the date the state of emergency ends, unless otherwise ordered by the court, administrative tribunal or other decision-maker responsible for the proceeding.

[2020, c.13, s.2](#)

### **Powers of the Lieutenant-Governor in Council – deadlines or time periods**

[2020, c.13, s.2](#)

**12.2(1)** Subject to subsection (2), on a state of emergency being declared in respect to the Province or an area of the Province, on the recommendation of the Minister and the Attorney General, the Lieutenant-Governor in Council may, by Order in Council, extend a deadline or time period prescribed in an act, regulation, rule or ministerial order to a date no later than, or for a period ending no later than, 90 days after the date the state of emergency ends.

**12.2(2)** Subsection (1) does not apply to

- (a) the limitation periods and time periods referred to in [section 12.1](#);
- (b) the following acts and the regulations made under them:
  - (i) the *Auditor General Act*;
  - (ii) the *Child, Youth and Senior Advocate Act*;
  - (iii) the *Consumer Advocate for Insurance Act*;
  - (iv) the *Elections Act*;
  - (v) the *Electoral Boundaries and Representation Act*;
  - (vi) the *Integrity Commissioner Act*;
  - (vii) the *Legislative Assembly Act*;
  - (viii) the *Legislative Library Act*;
  - (ix) the *Members' Conflict of Interest Act*;
  - (x) the *Municipal Elections Act*;
  - (xi) the *Ombud Act*;
  - (xii) the *Political Process Financing Act*;
  - (xiii) the *Referendum Act*;
  - (xiv) the *Transparency in Election Commitments Act*; and
- (c) the Standing Rules of the Legislative Assembly.

[2020, c.13, s.2](#)

**Publication of Minister's orders**

[2020, c.13, s.2](#)

**12.3** Section 11 applies with the necessary modifications to an order made under [section 12.1](#).

[2020, c.13, s.2](#)

**Acceptance of qualifications of assisting forces**

**13** For the purpose of rendering aid under [paragraph 12\(c\)](#), a member of an assisting force who holds a licence, certificate or permit that evidences the meeting of professional, trade or other qualifications in the assisting jurisdiction shall be deemed to be similarly licensed, certified or permitted in the Province for the duration of the state of emergency, subject to any limitations or conditions imposed by the Lieutenant-Governor in Council.

[2000, c.42, s.5](#)

**Duty of municipality to notify Minister, delegation of powers**

**14** On declaring a state of local emergency, a municipality

- (a) shall immediately forward a copy of the declaration to the Minister, and

(b) may authorize any person or committee to exercise any power vested in it under [section 12](#).

1978, c.E-7.1, s.14

### **Duty of fire marshal and RCMP officer**

**15** During a state of emergency,

(a) the fire marshal is the coordinator of all efforts in relation to the suppression and prevention of fires, and every fire brigade, fire department and firefighter in the area in which the state of emergency exists is subject to his or her direction and control, and

(b) the officer commanding "J" Division of the Royal Canadian Mounted Police is the coordinator of all efforts in relation to law enforcement, and every police officer, auxiliary police officer and auxiliary police constable in the area in which the state of emergency exists is subject to his or her direction and control.

1978, c.E-7.1, s.15; [1996, c.11, s.2](#)

### **Termination of state of emergency or state of local emergency**

**16(1)** The Minister may

(a) terminate a state of emergency with respect to an area identified by the Minister in his or her declaration of a state of emergency when, in his or her opinion, an emergency no longer exists in that area, and

(b) terminate a state of local emergency with respect to an area identified by a municipality in its declaration of a state of local emergency when, in his or her opinion, an emergency no longer exists in that area.

**16(2)** A municipality may terminate a state of local emergency with respect to an area identified by it in its declaration of a state of local emergency when, in its opinion, an emergency no longer exists in that area.

1978, c.E-7.1, s.16

### **When state of emergency ends or may be renewed**

**17(1)** A state of emergency ends

(a) when it is terminated by the Minister under [subsection 16\(1\)](#), or

(b) subject to subsection (2), 14 days after the day on which it was declared.

**17(2)** A state of emergency may be renewed by the Minister with the approval of the Lieutenant-Governor in Council, if it has not ended under paragraph (1)(a).

**17(3)** The provisions of this Act respecting a state of emergency, and the declaration of a state of emergency, apply with the necessary modifications to a renewal of a state of emergency.

1978, c.E-7.1, s.17

### **When state of local emergency ends or may be renewed**

**18(1)** A state of local emergency ends

- (a) when the area identified by the municipality in its declaration of a state of local emergency is included in an area identified by the Minister in his or her declaration of a state of emergency,
- (b) when it is terminated by the Minister under [paragraph 16\(1\)\(b\)](#) or by a municipality under [subsection 16\(2\)](#), or
- (c) subject to subsection (2), seven days after the day on which it was declared.

**18(2)** A state of local emergency may be renewed by the municipality with the approval of the Lieutenant-Governor in Council if it has not ended under subsection (1).

**18(3)** The provisions of this Act respecting a state of local emergency, or the declaration of a state of local emergency, apply with the necessary modifications to a renewal of a state of local emergency.

1978, c.E-7.1, s.18

### **Application of [section 11](#)**

**19** The provisions of [section 11](#) in respect of a declaration of a state of emergency or of a state of local emergency apply with the necessary modifications to the ending of it under [section 18](#).

1978, c.E-7.1, s.19

## **DISASTER RELIEF FUND**

### **Disaster relief fund**

**20(1)** A disaster relief fund is established to receive and disburse donations from the public for disaster relief within and outside the Province.

**20(2)** The fund established under subsection (1) shall be administered and disbursed in accordance with the regulations by a disaster relief committee consisting of persons appointed by the Lieutenant-Governor in Council.

**20(3)** The provisions of [subsection 5\(2\)](#) in respect of members of a committee apply with the necessary modifications to members of the committee under subsection (2).

1978, c.E-7.1, s.20

### **Expenditure by Province for municipality**

**21** When an expenditure in respect of a disaster is made within or for the benefit of a municipality by the Province, the Lieutenant-Governor in Council may

- (a) require the municipality to pay to the Minister of Finance and Treasury Board the amount of it or the portion of it that the Lieutenant-Governor in Council specifies, and
- (b) establish terms for payment of the sum mentioned in paragraph (a) and the interest rate that applies to it.

1978, c.E-7.1, s.21; [2019, c.29, s.47](#)

## **LIABILITY FOR DAMAGES**

### **Immunity, order for compensation**

**22(1)** The Minister, a municipality, a committee established under this Act or a member of it, or any other person

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

(b) is not subject to any proceedings by way of judicial review or injunction with respect to any action taken under this Act or the regulations.

**22(2)** The Lieutenant-Governor in Council may order compensation for damage arising out of any action taken under this Act if the Lieutenant-Governor in Council has reason to believe a person, municipality or committee, except for the operation of subsection (1), may have been liable for that damage.

1978, c.E-7.1, s.22; [1986, c.4, s.17](#)

## ENFORCEMENT

### Right of entry

**23** When implementing an emergency measures plan under this Act or the regulations, any person properly identified as authorized by the Minister, by the Emergency Measures Organization or by the municipal emergency measures organization has the right at any time to enter on any property.

1978, c.E-7.1, s.23; [1983, c.29, s.2](#)

### Offences and penalties

**24(1)** A person commits an offence punishable under Part 2 of the [Provincial Offences Procedure Act](#) as a category F offence who

(a) obstructs the Minister, a municipality, a committee established under this Act or any person in the performance of any action, matter or thing authorized by this Act, or

(b) violates or fails to comply with a direction, order or requirement made under this Act or the regulations.

**24(2)** A person who violates or fails to comply with a provision of the regulations commits an offence punishable under Part 2 of the [Provincial Offences Procedure Act](#) as a category B offence.

1978, c.E-7.1, s.24; [1990, c.61, s.42](#)

## REGULATIONS

### Regulations

**25** On the recommendation of the Minister, the Lieutenant-Governor in Council may make regulations respecting

(a) emergency planning for the continuity of functions of departments, boards, commissions, corporations and other agencies of the Government of New Brunswick;

(b) the vesting of special powers and duties in various departments and agencies of the Government for the purposes of emergency planning and the implementation of emergency measures plans;

- (c) the organization, responsibilities, powers, duties and operation of fire auxiliary forces throughout the Province or any part of it;
- (d) authority to be delegated under this Act;
- (e) costs incurred in emergency and disaster operations;
- (f) the sharing of costs incurred by the Province or by a municipality in implementing emergency measures plans;
- (g) the administration of and disbursement from the disaster relief fund;
- (h) any matter or thing that the Lieutenant-Governor in Council considers necessary for the administration of this Act.

1978, c.E-7.1, s.25; [1996, c.11, s.3](#)

**N.B.** This Act was proclaimed and came into force September 1, 2011.

**N.B.** This Act is consolidated to December 18, 2020.