**PART 1**

**ORGANIZATION AND MANAGEMENT**

**[enter year]**

**TABLE OF CONTENTS**

[INTRODUCTION 4](#_Toc416947585)

[RESOLUTION 6](#_Toc416947586)

[DEFINITIONS 7](#_Toc416947587)

[ACRONYMS 9](#_Toc416947588)

[GUIDELINES 11](#_Toc416947589)

[1.1 FOR PREPAREDNESS 11](#_Toc416947590)

[1.1.1 Annual Review of Plan 11](#_Toc416947591)

[1.1.2 Hazard Analysis 11](#_Toc416947592)

[1.1.3 Memorandums of Understanding 12](#_Toc416947593)

[1.1.4 Training and Public Education 13](#_Toc416947594)

[1.1.5 Exercises 13](#_Toc416947595)

[1.2 USING THE EMERGENCY MEASURES ACT DURING OPERATIONS 14](#_Toc416947596)

[1.2.1 Declaring a State of Local Emergency 14](#_Toc416947597)

[1.2.2 The Emergency Measures Act 16](#_Toc416947598)

[2 ORGANIZATIONAL STRUCTURE 32](#_Toc416947599)

[2.1 COMMUNICATION STRUCTURE OUTSIDE THE EOC 32](#_Toc416947600)

[2.1.1 Communication Structure During the Emergency 32](#_Toc416947601)

[2.1.2 Local Authority 33](#_Toc416947602)

[2.1.3 Municipal EOC 33](#_Toc416947603)

[2.2 EMERGENCY SITE 34](#_Toc416947604)

[2.2.1 Division of Responsibility 34](#_Toc416947605)

[2.2.2 Requests for Resources and Services 34](#_Toc416947606)

[2.2.3 Communication between Site and EOC 34](#_Toc416947607)

[2.2.4 Site Security 35](#_Toc416947608)

[2.2.5 Media Relations 35](#_Toc416947609)

[2.3 EMERGENCY OPERATIONS CENTRE MANAGEMENT TEAM 35](#_Toc416947610)

[2.4 EOC STRUCTURES 36](#_Toc416947611)

[2.4.1 ICS-Type Structure 36](#_Toc416947612)

[2.4.2 ESM-Type Structure 37](#_Toc416947613)

[2.5 DUTIES & RESPONSIBILITIES 37](#_Toc416947614)

[Mayor/Reeve, Council or Elected official 38](#_Toc416947615)

[Municipal Emergency Coordinator (MEC) / EOC Manager 39](#_Toc416947616)

[Municipal Administrator / Chief Administrative Officer (CAO) 40](#_Toc416947617)

[Public Information Officer (PIO) 41](#_Toc416947618)

[Security Coordinator 42](#_Toc416947619)

[Communications Manager 43](#_Toc416947620)

[Emergency Social Services Manager 44](#_Toc416947621)

[Facility Manager 45](#_Toc416947622)

[Public Works Manager 46](#_Toc416947623)

[Transportation Manager 47](#_Toc416947624)

[Volunteer Coordinator 48](#_Toc416947625)

[RCMP/Police Representative 49](#_Toc416947626)

[Fire Representative 50](#_Toc416947627)

[EMS Representative 51](#_Toc416947628)

[3 FORMS 52](#_Toc416947629)

INTRODUCTION

SCOPE

The purpose of this Emergency Plan is to provide for a prompt and coordinated response to emergencies or disasters affecting our municipality.

This Emergency Plan does not apply to those day-to-day situations that are dealt with by Emergency First Responders.

Planning, in relation to an emergency situation, may be defined as the process of anticipating the need for the application of resources and manpower plus determining the methods of obtaining and applying these resources at the right time to achieve stated aims. As such, the contents of this Emergency Plan provide only guidance to the local government.

GOAL

The goal of the Emergency Plan is to provide the earliest possible coordinated response in order that the following objectives are assured:

1. Prevent or limit the loss of life,
2. Prevent or limit the loss of property,
3. Prevent or limit the damage to the environment,
4. The restoration of essential services.

RESPONSIBILITY

The responsibility for the health and welfare of its citizens rests with the elected officials of our municipality. Every municipality must be prepared to meet the threat that may arise from emergencies or disasters.

The Emergency Plan does not override the responsibility of emergency services (Police, Fire, and EMS) to take warranted extraordinary action within their scope of responsibility in the event of an emergent situation for the safety and well being of the community.

Each individual has a responsibility to have in place an individual or family plan to deal with a community crisis. The preparation of the municipal Emergency Plan should encourage individuals and families to prepare their own plan and the role of local government is to support these efforts through the distribution of information and educational opportunities.

RESOLUTION

Section 8(1)(d) of *The Emergency Measures Act* states that every local authority “shall prepare and adopt emergency preparedness programs and emergency plans and submit them to the co-ordinator for approval and co-ordination with other emergency preparedness programs and emergency plans.”

[Insert Resolution Here]

DEFINITIONS

|  |  |
| --- | --- |
| Council | shall mean a majority of the whole number of members required to constitute the Council of the municipality, as established in accordance with Division II of The Municipal Act. |
| Emergency | shall mean a present or imminent situation or condition that requires prompt action to prevent or limit the loss of life, property or damage the environment. |
| Municipal Emergency Coordinator | shall mean that person appointed by resolution of the Council as the Emergency Coordinator for the municipality. |
| Emergency Control Group | shall mean the mayor, members of council and Chief Administrative Officer who are responsible for the policy development and control of emergency operations. |
| Emergency Operations Center | shall mean that location defined in the Emergency Plan as the overall command center for emergency operations. |
| Emergency Services | shall mean Police, Fire, EMS, Public Works and other public services provided by or on behalf of the municipality. |
| Information Center | shall mean locations for speedy gathering and transmittal of information. In the case of a major disaster, the Information Center shall include political and official representation at a senior level. It should be located at the Emergency Operations Center. |
| Incident Commander | shall mean the person designated by the appropriate authority to provide the control and coordination of the on-site emergency response team |
| Inner Perimeter | shall mean an area designated to enclose the actual emergency site and will include the first-aid station and casualty clearing station. |
| Liaison Officer | shall mean a person assigned to the Incident Commander, to liaise with other supporting agencies at the Emergency Site and liaise with the EOC. |
| On Site Command | shall mean the on site command center at the scene of a disaster. |
| Outer Perimeter | shall mean an area designated to enclose the emergency area and completely encircle it. This area will include the inner perimeter and leave ample area for setting up emergency centers and rescue operations. The outer perimeter is also used as a control measure between Emergency Operations Center and the On Site Emergency Command Center where all coordinated emergency response are taken. |
| Regional Emergency Manager (EMO) | shall mean the officers of the EMO that are assigned to a specific region of the Province to provide advice and assistance to the municipalities in that region regarding all aspects of emergency management. |
| Registration & Inquiry | shall mean the location(s) for the registration of people affected by the emergency and for the distribution of information about their whereabouts. |

ACRONYMS

|  |  |
| --- | --- |
| ANA | Aboriginal and Northern Affairs (Provincial) |
| ARES | Amateur Radio Emergency Service |
| CAO | Chief Administrative Officer |
| DART | Disaster Animal Response Team |
| DFA | Disaster Financial Assistance |
| EOC | Emergency Operations Centre |
| ECC | Emergency Coordination Centre |
| ECG | Emergency Control Group |
| EMCC | Emergency Mobile Command Centre (Provincial) |
| EMO | Manitoba Emergency Measures Organizations (Provincial) |
| EMS | Emergency Medical Services |
| FEMA | Federal Emergency Management Agency (U.S.) |
| HC | Health Canada (Federal) |
| IC | Incident Commander |
| ICS | Incident Command System |
| INAC | Indian and Northern Affairs Canada (Federal) |
| JEPP | Joint Emergency Preparedness Program |
| MAFRI | Manitoba Agriculture, Food and Rural Initiatives (Provincial) |
| MEC | Municipal Emergency Coordinator |
| MECC | Manitoba Emergency Coordination Centre |
| MHHL | Manitoba Health and Healthy Living (Provincial) |
| MIT | Manitoba Infrastructure and Technology (Provincial) |
| MOU | Memorandum of Understanding |
| NGO | Non-Governmental Organization |
| ODM | Manitoba Health Office of Disaster Management (Provincial) |
| OFC | Office of the Fire Commissioner (Provincial) |
| PAS | Personnel Accountability System |
| PHAC | Public Health Agency of Canada (Federal) |
| PIO | Public Information Officer |
| PS Canada | Public Safety Canada (Federal) |
| REM | Regional Emergency Manager (EMO) |
| RCMP | Royal Canadian Mounted Police |
| RHA | Regional Health Authority |
| RM | Rural Municipality |
| SOLE | State of Local Emergency |
| WSD | Manitoba Water Stewardship (Provincial) |

GUIDELINES

FOR PREPAREDNESS

The following requirements are based on the Emergency Preparedness Plans & Programs Checklist. This checklist is the minimum standard that Manitoba Emergency Measures Organization (EMO) has set for municipal emergency plans and programs as authorized under Section 8(1-9) of *The Emergency Measures Act*.

### Annual Review of Plan

EMO requires municipalities to update their emergency plans annually and submit them to EMO for approval.

This submission must include

* the updated versions of Sections 2 and 3 and all appendices referred to in Section 2, and
* a resolution of council confirming that these sections and appendices have been updated and approved.

The complete submission will be forwarded electronically to the Regional Emergency Manager (REM).

### Hazard Analysis

Municipalities must prioritize hazards in their communities using an identified hazard analysis process. Appendix A – Hazard Analysis includes the Federal Emergency Management Agency (FEMA) model as an example, but municipalities may use other models. The hazard analysis must include a description of the hazards in their communities and the impact they could have on the communities (i.e. economic, environmental, physical).

Each municipality must develop a contingency plan for each major hazard (included as appendices in their municipal emergency plan), and have an exercise related to its number one identified hazard.

The municipality must also ensure that it has the basic equipment to handle the hazards in its area until additional resources arrive, and that its first responders have access to resources necessary to handle its top three hazards.

In addition, municipalities must inform their residents about the possible hazards in their areas.

**Refer to Appendix A - Hazard Analysis for a sample hazard analysis model and a completed Hazard Analysis.**

### Memorandums of Understanding

Municipalities must enter into assistance agreements with other parties through Memorandums of Understanding. A Memorandum of Understanding (MOU) may be used for agreements where one partner provides assistance to the other, or for mutual aid agreements, where the parties provide assistance to one another.

Section 8(1)(e) of *The Emergency Measures Act* states that every local authority: “may enter into mutual aid agreements with the government, any local authority, any department or any person with respect to the establishment, development or implementation of emergency preparedness programs and emergency plans and the conduct of emergency operations”

Municipalities will formalize all mutual aid agreement through an MOU.

MOUs must be reviewed every 12 months.

**Assistance Partners**

Each municipality will have different partners with which it will create assistance agreements, but a few to consider are the following:

* Surrounding Municipalities/Communities
* Canadian Red Cross
* Salvation Army
* Mennonite Disaster Service
* Amateur Radio Emergency Service
* Local School Boards
* Regional Health Authorities
* Various Clubs/Organizations
* Hotels
* Caters
* Institutions

**Refer to Appendix B for a list of MOUs.**

### Training and Public Education

Disaster management training is offered free of charge to municipalities through EMO.

It is recommended that all coordinators, councils, and teams have, at minimum the basic Manitoba Emergency Management course. Refer to the EMO website for a complete list of courses offered.

Municipal Emergency Coordinators will conduct training and offer public education as necessary to meet the requirements within their own emergency programs.

The Municipal Emergency Coordinator (MEC) should keep a file or database/record system of the individuals trained for their municipality.

### Exercises

In every three-year period, two exercises of the municipal emergency plan must be completed. An actual incident, with the Emergency Operations Centre (EOC) open and functioning and volunteer groups utilized, may take the place of exercise if approved by the EMO Director of Operations.

Exercises should be part of a progressive program, and range in scale from a tabletop to full-scale exercise. An exercise after-incident/debriefing report must be submitted to EMO. In the case that an actual incident takes the place of an exercise, an after-incident report will still be required.

USING THE EMERGENCY MEASURES ACT DURING OPERATIONS

### Declaring a State of Local Emergency

A declaration of a State of Emergency may be issued by the Minister, or a State of Local Emergency (SOLE) may be issued by a local authority under s. 12 of *The* *Emergency Measures Act* to acquire and exercise the powers set out in theAct.

A state of emergency or a SOLE may be geographically limited to part of the jurisdiction, in which case the limitation should be included in the declaration.

A state of emergency or a SOLE may intrude on individual and property owner’s rights, and therefore the actions undertaken under a SOLE must be

* permitted under the Act,
* reasonably necessary in the face of an emergency or disaster, and
* proportional to the loss or damage that the action seeks to prevent.

**Declaring a State of Local Emergency (SOLE)**

To declare a SOLE for all or part of the municipality, the following steps must be completed:

1. The local authority must pass a council resolution to declare a state of local emergency. Where a local authority is unable to act quickly, such as where a quorum cannot be brought together to pass a resolution, the appropriate mayor or reeve may make a declaration.
2. The declaration and resolution from the local authority must be forwarded by the most effective means to the Minister through the EMO. **(See template: FORM – Declaration of a State of Local Emergency.)**
3. Following the declaration, the local authority must communicate the details of the state of emergency to residents of the affected area by the most appropriate means available.

A declaration is valid for a period of 30 days. On the application of the local authority the Minister may extend the length of the SOLE for further periods of 30 days each.

**Extending a State of Local Emergency**

The local authority may make application to the Minister for an extension of the SOLE, and the Minister may approve its extension for further periods of 30 days each. **Requests for an extension are not automatically approved and require some explanation.**

To obtain an extension, the following steps must be completed:

1. The local authority must pass a council resolution requesting an extension of the SOLE.
2. The request for an extension, along with any relevant information in support of the extension, must be forwarded to EMO by the most effective means. EMO will forward the extension request to the Minister along with a recommendation from the Executive Director.
3. Once the Minister has approved or declined the request for an extension, EMO will forward the decision to the local authority, who will then communicate the details to residents of the affected area by the most appropriate means available.

**Terminating a State of Local Emergency**

When an emergency no longer exists in any area of the municipality for which a declaration of a SOLE was made, the local authority may terminate the declared SOLE. The local authority must inform the residents of the affected area of the termination and send a copy of the declaration with resolution to EMO.

In addition, the Minister has authority to terminate any SOLE that is not required. Where the Minister terminates a SOLE, he or she is required to give notice of the termination to the local authority and the residents of the affected area by the most appropriate means available.

### The Emergency Measures Act

* + [Search in Acts](http://web2.gov.mb.ca/laws/search.php)

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| --- | --- |
| Updated to: May 1, 2014. |  |

C.C.S.M. c. E80

The Emergency Measures Act

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| [Table of Contents](http://web2.gov.mb.ca/laws/statutes/ccsm/e080ei.php) |  | [Regulations](http://web2.gov.mb.ca/laws/regs/e080e.php) |

(Assented to July 17, 1987)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions

[1](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#1)           In this Act

**"assistance agreement"** means an agreement entered into under subclause 7(a)(i), (ii), (iii) or (iv); (« accord d'aide »)

**"assisting force"** means persons sent to Manitoba by another jurisdiction under an assistance agreement; (« force de soutien »)

**"business continuity plan"** means a plan for responding to an event that affects critical services, including an emergency or a disaster, which includes measures to ensure the continuation or restoration of those services during and after the event; (« plan de continuité des activités »)

**"co-ordinator"** means the Executive Director of the Emergency Measures Organization; (« coordonnateur »)

**"critical service"** means a service or function that is necessary to prevent

(a) danger to life, health or safety,

(b) the destruction or serious deterioration of infrastructure or other property required for the economic well-being of Manitoba or the effective functioning of the government, or

(c) serious damage to the environment; (« services indispensables »)

**"critical service provider"** means a corporation or other person, organization or entity designated by regulation as a critical service provider; (« fournisseur de services indispensables »)

**"department"** means a department of the government of Manitoba and includes a Crown agency, board or commission established by the government of Manitoba; (« ministère »)

**"disaster"** means a calamity, however caused, which has resulted in or may result in

(a) the loss of life; or

(b) serious harm or damage to the safety, health or welfare of people; or

(c) wide-spread damage to property or the environment; (« sinistre »)

**"disaster assistance"** means assistance provided under a disaster financial assistance agreement or program as provided for in the regulations; (« aide aux sinistrés »)

**"emergency"** means a present or imminent situation or condition that requires prompt action to prevent or limit

(a) the loss of life; or

(b) harm or damage to the safety, health or welfare of people; or

(c) damage to property or the environment; (« situation d'urgence »)

**"emergency management program"** means a program prepared by a department under section 8.1; (« programme de gestion des situations d'urgence »)

**"emergency plan"** means a plan for preparing for, responding to and recovering from emergencies and disasters; (« plan d'urgence »)

**"emergency preparedness program"** means a program designed to achieve a state of readiness for emergencies and disasters; (« programme de préparatifs d'urgence »)

**"local authority"** means

(a) the council of an incorporated community as defined in *The Northern Affairs Act*,

(b) the council of a municipality,

(c) the council of an incorporated city, town or village,

(d) the resident administrator or council of a local government district,

(e) the Minister of Aboriginal and Northern Affairs with respect to Northern Manitoba as defined in *The Northern Affairs Act*,

(f) the Minister of Conservation and Water Stewardship with respect to

(i) provincial parks designated under section 7 of *The Provincial Parks Act*,

(ii) Crown lands in Manitoba within the meaning of *The Crown Lands Act*, and

(iii) wildlife management areas or wildlife refuges designated under section 2 of *The Wildlife Act*,

(g) the Minister of Indian Affairs and Northern Development appointed under the *Indian Act* (Canada) with respect to a reserve as defined by that Act,

(h) the Minister of National Defence with respect to a Canadian Forces Base,

(i) the Minister responsible for national parks under the *National Parks Act* (Canada) with respect to a national park; (« autorité locale »)

**"major emergency"** means an emergency that is not a routine emergency; (« situation d'urgence grave »)

**"minister"** means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« ministre »)

**"municipality"** means

(a) an incorporated city, town or village,

(b) a municipality as defined by *The Municipal Act*,

(c) a local government district, and

(d) Northern Manitoba, as defined by *The Northern Affairs Act*; (« municipalité »)

**"private sector"** means a person, partnership, unincorporated association or organization that is not a local authority and is not part of the Government of Manitoba or the Government of Canada; (« secteur privé »)

**"routine emergency"** means an emergency that

(a) can be effectively resolved

(i) by local police, fire and emergency medical services, working independently or together with public works and utilities personnel, and

(ii) without requiring additional resources from a local authority not directly affected by the emergency, the Government of Manitoba or the Government of Canada,

(b) does not require evacuation of persons out of the geographic area over which a local authority has jurisdiction, and

(c) does not require the declaration of a state of emergency or a state of local emergency. (« situation d'urgence ordinaire »)

[S.M. 1997, c. 28, s. 2](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#2); [S.M. 2000, c. 35, s. 36](http://web2.gov.mb.ca/laws/statutes/2000/c03500e.php#36); [S.M. 2002, c. 26, s. 5](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#5); [S.M. 2005, c. 12, s. 2](http://web2.gov.mb.ca/laws/statutes/2005/c01205e.php#2); [S.M. 2006, c. 9, s. 2](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#2); [S.M. 2012, c. 40, s. 55](http://web2.gov.mb.ca/laws/statutes/2012/c04012e.php#55); [S.M. 2013, c. 12, s. 2.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#2)

PART I

ADMINISTRATION

Emergency Measures Organization

[2(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#2)        The Manitoba Emergency Management Organization is continued under the name "Emergency Measures Organization" as a branch of the department administered by the minister.

Staff

[2(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#2(2))        A co-ordinator and such officers and employees as may be required may be appointed in accordance with *The Civil Service Act* for the administration of the Emergency Measures Organization.

Powers and duties

[2(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#2(3))        The Emergency Measures Organization shall

(a) subject to the approval of the Lieutenant Governor in Council, prepare and maintain disaster assistance policies and guidelines for emergencies and disasters in Manitoba;

(b) consult with local authorities, government departments, the Government of Canada and the private sector in order to prepare specific proposals for the establishment and implementation of disaster assistance programs;

(c) develop and maintain policy and procedures for the submission and processing of claims for disaster assistance;

(d) receive and assess all disaster assistance claims from local authorities, government departments, the Government of Canada or the private sector;

(e) dispose of all claims for disaster assistance by providing disaster assistance or dismissing the claims; and

(f) perform other duties vested in it by this Act and the regulations or assigned to it by the minister.

[S.M. 1997, c. 28, s. 3](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#3); [S.M. 2002, c. 26, s. 6.](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#6)

EMO's mandate

[2.1](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#2.1)         The Emergency Measures Organization is responsible for

(a) overseeing and co-ordinating all aspects of emergency preparedness in the province; and

(b) managing, directing and co-ordinating the response of all departments to a major emergency or disaster.

[S.M. 2006, c. 9, s. 3](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#3); [S.M. 2013, c. 12, s. 3.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#3)

EMO's emergency preparation duties

[2.2](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#2.2)         The Emergency Measures Organization must

(a) prepare a provincial emergency preparedness program and a provincial emergency plan, and conduct regular reviews and revisions of the program and plan; and

(b) establish and maintain a registry containing a copy of every emergency plan and emergency management program in effect in the province.

[S.M. 2006, c. 9, s. 3.](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#3)

Advisory committee

[3](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#3)           The Lieutenant Governor in Council may appoint an Advisory Committee consisting of such members of the Executive Council as may be designated from time to time to advise the minister and the Executive Council on matters relating to emergencies and disasters and to recommend emergency preparedness programs and emergency plans.

[S.M. 2002, c. 26, s. 7.](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#7)

Other committees and boards

[4](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#4)           The Lieutenant Governor in Council may appoint other committees and boards as may be necessary or desirable to assist the Advisory Committee, the minister or the co-ordinator.

Remuneration

[5](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#5)           The members of any committee or board appointed under section 4 may be paid

(a) such remuneration for their services; and

(b) such reasonable expenses incurred by them in carrying out their duties as members thereof;

as may be fixed by the minister.

PART II

EMERGENCY PREPAREDNESS

Powers of the L. G. in C.

[6](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#6)           The Lieutenant Governor in Council may make orders and regulations

(a) concerning the establishment, review, modification and approval of emergency preparedness programs and emergency plans;

(b) assigning responsibility to persons, departments, boards, committees, commissions, crown agencies or organizations for the preparation, implementation and amendment of emergency preparedness programs and emergency plans;

(b.1) designating a corporation or other person, organization or entity that provides a critical service, other than a local authority or a department, as a critical service provider;

(b.2) for the purpose of subsection 8.3(1), specifying the critical service or services that must be addressed in a critical service provider's business continuity plan;

(b.3) respecting the form and content of a business continuity plan, including matters relating to critical services that must be addressed in a business continuity plan;

(c) delegating to a person, board or committee appointed under this Act, any of the powers vested by this Act in the minister;

(d) governing the assessment of damage or loss caused by emergencies or disasters and the payment of compensation for such damage or loss;

(e) governing the sharing of costs incurred by the Government of Manitoba or by a local authority in carrying out emergency operations;

(e.1) respecting the recognition of the professional, trade or other qualifications of members of an assisting force when providing assistance in Manitoba during a state of emergency;

(f) concerning any other matter or thing necessary for the administration of this Act and for which no specific provision is made in this Act.

[S.M. 2002, c. 26, s. 8](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#8); [S.M. 2005, c. 12, s. 3](http://web2.gov.mb.ca/laws/statutes/2005/c01205e.php#3); [S.M. 2013, c. 12, s. 4.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#4)

Powers and duties of the minister

[7](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#7)           The minister may

(a) enter into agreements respecting emergency preparedness programs, mitigation of hazards and risks, recovery from emergencies and disasters, emergency plans or the provision of emergency services, with any of the following:

(i) the Government of Canada,

(ii) the government of a province or territory of Canada,

(iii) the government of a state of the United States,

(iv) an agency of a government referred to in subclause (i), (ii) or (iii),

(v) a local authority;

(b) enter into agreements and make payments for goods and services required for the development or implementation of emergency preparedness programs and emergency plans;

(c) divide the province into regions and areas for the purpose of organizing integrated emergency preparedness programs, emergency plans, procedures, operations and mutual assistance programs;

(d) require any part of the private sector to develop emergency preparedness programs and emergency plans in conjunction with local authorities or the Emergency Measures Organization to ensure an effective response to any emergency that may result from operations in which that part of the private sector may be engaged, or from a condition that may exist on property owned by that part of the private sector.

[S.M. 1997, c. 28, s. 4](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#4); [S.M. 2002, c. 26, s. 9](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#9); [S.M. 2005, c. 12, s. 4](http://web2.gov.mb.ca/laws/statutes/2005/c01205e.php#4); [S.M. 2013, c. 12, s. 5.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#5)

Powers of the local authorities

[8(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8)        Every local authority

(a) shall establish a committee of members of the community to advise the authority on the development of emergency preparedness programs and emergency plans;

(b) shall establish and maintain a local emergency response control group;

(c) shall appoint a person from the local emergency response control group and prescribe the duties of that person including the preparation and co-ordination of emergency preparedness programs and emergency plans for the local authority;

(d) shall prepare and adopt emergency preparedness programs and emergency plans and submit them to the co-ordinator for approval and co-ordination with other emergency preparedness programs and emergency plans;

(e) may enter into mutual aid agreements with the government, any local authority, any department or any person with respect to the establishment, development or implementation of emergency preparedness programs and emergency plans and the conduct of emergency operations;

(f) may expend such sums as may be required in the establishment, development or implementation of emergency preparedness programs and emergency plans; and

(g) shall implement its emergency preparedness programs as approved under this section.

Approval of program or plan

[8(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(2))        After a program or plan has been submitted under this section to the co-ordinator, the co-ordinator may

(a)  approve it as submitted; or

(b)  refer it back to the local authority for further action, with any recommendations or directions the co-ordinator considers appropriate.

When program or plan is not approved

[8(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(3))        When a program or plan is referred back to a local authority for further action, the local authority must take that action in accordance with the co-ordinator's directions and resubmit it to the co-ordinator for approval.

Minister may act on behalf of local authority

[8(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(4))        The minister may set a deadline for a local authority to comply with clause (1)(d) or subsection (3).  If the local authority does not meet the deadline or any extension allowed by the minister, the minister may cause an emergency preparedness program or an emergency plan to be prepared or revised in consultation with the local authority and submitted to the local authority for adoption and to the co-ordinator for approval.

Failure to adopt program or plan

[8(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(5))        If the co-ordinator approves a program, plan or revision submitted under subsection (4) but the local authority does not adopt it, the minister may designate the program or plan, or the revised program or plan, as the local authority's program or plan.

Costs are debt due to government

[8(6)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(6))        Any costs incurred by the government in causing a program or plan to be prepared or revised on behalf of a local authority under subsection (4) are a debt due to the government by the municipality for which the local authority is responsible.

Changes to be submitted for approval

[8(7)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(7))        When a local authority proposes to change an emergency preparedness program or emergency plan, clause (1)(d) and subsections (2) to (6) apply, with necessary modifications, to the proposed change.

Periodic review

[8(8)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(8))        A local authority must review and revise its emergency preparedness programs and emergency plans from time to time as required by the regulations, to ensure that they continue to meet the standards prescribed by regulation.

Transitional

[8(9)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8(9))        A program or plan that was submitted to the co-ordinator before this subsection came into force is not required to be resubmitted under clause (1)(d). But the co-ordinator may approve it or refer it back to the local authority under subsection (2).

[S.M. 1997, c. 28, s. 5](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#5); [S.M. 2002, c. 26, s. 10.](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#10)

Emergency management programs

[8.1(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.1)      Every department must prepare an emergency management program in accordance with directions from the minister.

Contents

[8.1(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.1(2))      A department's emergency management program must include the following:

(a) identification of the essential services the department will provide in a disaster or emergency;

(b) identification of the resources the department requires to provide the essential services;

(c) an assessment of the hazards and risks posed by various disasters and emergencies and how those disasters and emergencies might affect the department's ability to provide the essential services;

(d) a plan for how the department would provide the essential services if various disasters or emergencies were to occur.

Periodic review

[8.1(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.1(3))      A department must review and revise its emergency management program on a regular basis and when directed to do so by the minister.

Program to co-ordinator

[8.1(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.1(4))       A department must give the co-ordinator the most recent version of its emergency management program.

[S.M. 2006, c. 9, s. 4.](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#4)

[8.2](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.2)         [Repealed]

[S.M. 2006, c. 9, s. 4](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#4); [S.M. 2013, c. 12, s. 6.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#6)

Business continuity plans

[8.3(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.3)      Every critical service provider must prepare a business continuity plan, in accordance with the regulations, and submit it to the co-ordinator for approval.

Approval of plan

[8.3(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.3(2))      After a plan has been submitted under this section to the co-ordinator, the co-ordinator may

(a) approve it as submitted; or

(b) refer it back to the critical service provider for further action, with any recommendations or directions the co-ordinator considers appropriate.

When plan is not approved

[8.3(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.3(3))      When a plan is referred back to a critical service provider for further action, the critical service provider must take that action in accordance with the co-ordinator's directions and resubmit it to the co-ordinator for approval.

Minister may set deadline

[8.3(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.3(4))      The minister may set a deadline for a critical service provider to comply with subsection (1) or (3). If a deadline is set, the critical service provider must comply with that deadline.

Changes to be submitted for approval

[8.3(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.3(5))      If a critical service provider proposes to change a business continuity plan, subsections (1) to (4) apply, with necessary modifications, to the proposed change.

Periodic review

[8.3(6)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#8.3(6))      A critical service provider must review and revise its business continuity plan from time to time to ensure that the plan continues to provide adequate measures to ensure the continuation or restoration of critical services during and after an event that affects critical services.

[S.M. 2013, c. 12, s. 7.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#7)

PART III

EMERGENCY RESPONSE

Implementation of provincial emergency plan

[9(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#9)         When an emergency exists or is imminent or a disaster has occurred or is imminent, the minister or other persons designated in the provincial emergency plan may cause the plan to be implemented.

Implementation of local emergency plans

[9(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#9(2))        When, in the opinion of the local authority, an emergency exists or is imminent or a disaster has occurred or is imminent, the local authority or other persons designated in its emergency plans may cause the plans to be implemented.

[S.M. 2002, c. 26, s. 11](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#11); [S.M. 2006, c. 9, s. 5.](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#5)

Declaration of a state of emergency

[10(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#10)       In the event of a major emergency or disaster the minister may declare a state of emergency in respect to all or any part of the province.

Description of emergency and affected area

[10(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#10(2))       A declaration of a state of emergency

(a) must describe the major emergency or disaster that is the subject of the declaration;

(b) must state whether the declaration applies to all or a part of the province;

(c) must, if the declaration applies to a part of the province, describe the affected area; and

(d) must, if the duration of the declaration is to be less than 30 days, state its duration.

Communication of declaration

[10(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#10(3))       Immediately after the declaration of a state of emergency, the minister shall cause the details of the declaration to be communicated by the most appropriate means to the residents of the affected area.

Duration of declaration

[10(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#10(4))       A declaration under subsection (1) is valid for a period of 30 days beginning on the day the declaration is made, unless a shorter period is stated in the declaration in accordance with clause (2)(d). The Lieutenant Governor in Council may, if necessary, extend the duration of a declaration — with any changes to the geographic area affected by the declaration considered necessary — for further periods of up to 30 days each, in which case subsections (2) and (3) apply.

Statutes and Regulations Act does not apply

[10(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#10(5))       *The Statutes and Regulations Act* does not apply to a declaration under subsection (1) or to an extension of the duration of a declaration under subsection (4).

[S.M. 1989-90, c. 90, s. 13](http://web2.gov.mb.ca/laws/statutes/1989-90/c09089-90e.php#13); [S.M. 2013, c. 12, s. 8](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#8); [S.M. 2013, c. 39, Sch. A, s. 51.](http://web2.gov.mb.ca/laws/statutes/2013/c03913e.php#51)

Declaration of a state of local emergency

[11(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11)       In the event of a major emergency or disaster in a municipality or other area within the jurisdiction of a local authority, the local authority may, for the purpose of acquiring one or more of the powers under subsection 12(1), declare a state of local emergency with respect to

(a) the entire municipality or other area; or

(b) a part of the municipality or other area, if only part of the municipality or other area is affected or likely to be affected by the major emergency or disaster.

Mayor or reeve may declare

[11(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(2))       Where the major emergency or disaster is within an incorporated city, town, village or a municipality and the local authority is unable to act quickly, the appropriate mayor or reeve may declare a state of local emergency under subsection (1).

Duration of declaration

[11(2.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(2.1))     A declaration under subsection (1) or (2) is valid for a period of 30 days beginning on the day the declaration is made, unless a shorter period is stated in the declaration in accordance with clause (3)(d).

Description of emergency and affected area

[11(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(3))       A declaration of a state of local emergency

(a) must describe the major emergency or disaster that is the subject of the declaration;

(b) must state whether the declaration applies to all or a part of the municipality or other area within the jurisdiction of the local authority, as the case may be;

(c) must, if the declaration applies to a part of the municipality or other area, describe the affected area; and

(d) must, if the duration of the declaration is to be less than 30 days, state its duration.

Declaration to be communicated to minister

[11(3.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(3.1))     Where a local authority or a mayor or reeve makes a declaration under this section, the local authority or the mayor or reeve, as the case may be, must forthwith communicate the details of the declaration to the minister.

Communication of declaration

[11(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(4))       Where the local authority declares a state of local emergency under subsection (1) or the mayor or reeve declares a state of local emergency under subsection (2), the local authority or the mayor or reeve, as the case may be, shall cause the details of the declaration to be communicated by the most appropriate means to the residents of the affected area.

Extension of declaration

[11(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(5))       If, on application by the local authority, the minister is satisfied that the local authority continues to require one or more of the powers under subsection 12(1) to resolve a major emergency or disaster for which a state of local emergency has been declared, the minister may extend the duration of the state of local emergency — with any changes to the geographic area affected by the declaration that the minister considers necessary — for further periods of up to 30 days each. Subsections (3), (3.1) and (4) apply, with the necessary changes, to an extension under this subsection.

No subsequent declaration for same event

[11(5.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(5.1))     A local authority, or a mayor or reeve acting under subsection (2), must not declare a state of local emergency in relation to a major emergencyor disaster for which a state of local emergency has previously been declared.

Information to co-ordinator

[11(6)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#11(6))       Where a state of local emergency has been declared, the local authority must give the co-ordinator any information he or she requests about

(a) the need for powers under subsection 12(1) to resolve the major emergency or disaster; and

(b) the local authority's response to the major emergency or disaster and its effect on the municipality or other area under the authority's jurisdiction.

[S.M. 1997, c. 28, s. 6](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#6); [S.M. 2006, c. 9, s. 6](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#6); [S.M. 2013, c. 12, s. 9.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#9)

Emergency powers

[12(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12)       Upon the declaration of, and during a state of emergency or a state of local emergency, the minister may, in respect of the province or any area thereof, or the local authority may, in respect of the municipality or other area within its jurisdiction, or an area thereof, issue an order to any party to do everything necessary to prevent or limit loss of life and damage to property or the environment, including any one or more of the following things:

(a) cause emergency plans to be implemented;

(b) utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of any emergency or disaster;

(c) authorize or require any qualified person to render aid of such type as that person may be qualified to provide;

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

(e) cause the evacuation of persons and the removal of livestock and personal property and make arrangements for the adequate care and protection thereof;

(f) control or prevent the movement of people and the removal of livestock from any designated area that may have a contaminating disease;

(g) authorize the entry into any building, or upon any land without warrant;

(h) cause the demolition or removal of any trees, structure or crops in order to prevent, combat or alleviate the effects of an emergency or a disaster;

(i) authorize the procurement and distribution of essential resources and the provision of essential services;

(i.1) regulate the distribution and availability of essential goods, services and resources;

(j) provide for the restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;

(k) expend such sums as are necessary to pay expenses caused by the emergency or disaster.

Compliance with evacuation order

[12(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12(2))       If an evacuation order is made under clause (1)(e), each person within the area that is subject to the evacuation order must leave the area

(a) immediately; or

(b) if a deadline for evacuation is specified in the evacuation order, by that deadline.

Exceptions

[12(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12(3))       Subsection (2) does not apply to an emergency responder, or other person, acting under the direction of a person designated as an on-site incident commander or site manager by the government or local authority.

Business continuity plans and critical services

[12(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12(4))       In addition to the powers set out in subsection (1), the minister may, during a state of emergency, issue an order to

(a) a critical service provider, requiring it to implement its business continuity plan, or any part of its plan, as may be specified in the order; or

(b) a critical service provider, or any other person, organization or entity that provides a critical service, requiring it to take the measures specified in the order to prevent

(i) danger to life, health or safety,

(ii) the destruction or serious deterioration of infrastructure or other property required for the economic well-being of Manitoba or the effective functioning of the government, or

(iii) serious damage to the environment.

Regulations Act not applicable

[12(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12(5))       *The Regulations Act* does not apply to an order made under this section.

[S.M. 1997, c. 28, s. 7](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#7); [S.M. 2002, c. 26, s. 12](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#12); [S.M. 2013, c. 12, s. 10.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#10)

[12.1](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12.1)        Renumbered as section 20.1.

Qualifications — member of assisting force

[12.2](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#12.2)        Subject to the regulations, a member of an assisting force who holds a licence, certificate or permit respecting his or her professional, trade or other qualifications from a jurisdiction that is a party to an assistance agreement is deemed to be similarly qualified in Manitoba when providing assistance during a state of emergency.

[S.M. 2005, c. 12, s. 5.](http://web2.gov.mb.ca/laws/statutes/2005/c01205e.php#5)

Compensation for loss

[13](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#13)          Notwithstanding subsection 18(1), where as a result of any action taken or done under authority of an order made under section 12 a person suffers any loss of any real or personal property, the minister or the local authority, as the case may be, shall compensate the person for the loss in accordance with such guidelines as may be approved by the Lieutenant Governor in Council.

[S.M. 2006, c. 9, s. 9](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#9); [S.M. 2013, c. 12, s. 11.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#11)

Termination of state of emergency

[14(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#14)       The minister may terminate a state of emergency with respect to the province or area thereof identified in the declaration of a state of emergency when, in the opinion of the minister, the major emergency or disaster no longer exists, and shall forthwith cause the details of the termination to be communicated by the most appropriate means to the residents of the affected areas.

Statutes and Regulations Act does not apply

[14(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#14(2))       *The Statutes and Regulations Act* does not apply to the termination of a state of emergency under subsection (1).

[S.M. 1989-90, c. 90, s. 13](http://web2.gov.mb.ca/laws/statutes/1989-90/c09089-90e.php#13); [S.M. 1990-91, c. 12, s. 7](http://web2.gov.mb.ca/laws/statutes/1990-91/c01290-91e.php#7); [S.M. 2013, c. 12, s. 12](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#12); [S.M. 2013, c. 39, Sch. A, s. 51.](http://web2.gov.mb.ca/laws/statutes/2013/c03913e.php#51)

Termination of a state of local emergency

[15(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#15)       When, in the opinion of the local authority, the major emergency or disaster no longer exists in any area of the municipality or other area within the local authority's jurisdiction for which a declaration of a state of local emergency was made, it may terminate the declared state of local emergency, and shall forthwith send a copy of the declaration to the minister and cause the details of the termination to be communicated by the most appropriate means to the residents of the affected area.

Minister may terminate

[15(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#15(2))       The minister may terminate a state of local emergency, when, in the opinion of the minister,

(a) the major emergency or disaster no longer exists;

(b) the state of local emergency was declared in contravention of subsection 11(5.1);

(c) the local authority has not satisfactorily provided the information requested by the co-ordinator under subsection 11(6); or

(d) the information provided in response to a request made under subsection 11(6) does not demonstrate a need for the local authority to have powers under subsection 12(1) to resolve the major emergency or disaster.

Upon terminating the state of local emergency, the minister must cause the details of the termination to be communicated by the most appropriate means to the local authority and residents of the affected area.

Statutes and Regulations Act does not apply

[15(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#15(3))       *The Statutes and Regulations Act* does not apply to the termination of a state of local emergency under subsection (2).

[S.M. 1989-90, c. 90, s. 13](http://web2.gov.mb.ca/laws/statutes/1989-90/c09089-90e.php#13); [S.M. 2013, c. 12, s. 13](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#13); [S.M. 2013, c. 39, Sch. A, s. 51.](http://web2.gov.mb.ca/laws/statutes/2013/c03913e.php#51)

PART IV

DISASTER ASSISTANCE

Recovery of expenditures

[16](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#16)          Where any expenditure with respect to an emergency or disaster is made by the government of Manitoba to or for the benefit of a municipality, it may be required to pay to the Minister of Finance the amount thereof or such portion thereof and on such terms as may be specified by the Lieutenant Governor in Council.

Disaster assistance for loss

[16.1(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#16.1)     The Emergency Measures Organization may provide disaster assistance to any claimant described in clause 2(3)(d) for loss resulting from a disaster, in accordance with the policy and guidelines for disaster assistance approved by the Lieutenant Governor in Council.

Disaster assistance is gratuitous

[16.1(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#16.1(2))     Any disaster assistance granted under this Act is gratuitous and, subject to subsection 17(6), is not subject to appeal or review in any court of law.

[S.M. 1997, c. 28, s. 10](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#10); [S.M. 2002, c. 26, s. 6](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#6); [S.M. 2013, c. 12, s. 14.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#14)

Establishment of Disaster Assistance Appeal Board

[17(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17)       The Lieutenant Governor in Council shall appoint a board to be known as the Disaster Assistance Appeal Board consisting of three or more persons.

Appointing additional members

[17(1.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(1.1))     Without limiting the generality of subsection (1), the Lieutenant Governor in Council may at any time appoint additional members to the Disaster Assistance Appeal Board to enable it to carry out its duties under this Act, *The Water Resources Administration Act* and *The Red River Floodway Act*.

Chairperson and vice-chairperson

[17(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(2))       The Lieutenant Governor in Council shall appoint one of the persons appointed under subsection (1) as the chairperson of the Disaster Assistance Appeal Board and another as vice-chairperson.

Role of the vice-chairperson

[17(2.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(2.1))     The vice-chairperson has the authority of the chairperson if the chairperson is absent or unable to act, or when authorized by the chairperson.

Term of office

[17(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(3))       The members of the Disaster Assistance Appeal Board shall hold office for such term as may be fixed in the order appointing them and thereafter until their successors are appointed.

Remuneration

[17(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(4))       The members of the Disaster Assistance Appeal Board who are not civil servants may be paid such remuneration and out-of-pocket expenses as may be authorized by the Lieutenant Governor in Council.

Rules of procedure

[17(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(5))       The Disaster Assistance Appeal Board may make rules governing its procedure and is responsible to the minister for the performance of its duties.

Board may sit in panels

[17(5.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(5.1))     The Disaster Assistance Appeal Board may carry out its duties under this Act, *The Water Resources Administration Act* and *The Red River Floodway Act* in panels of not fewer than three members.

Chairperson to determine panel membership

[17(5.2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(5.2))     The chairperson is to determine which members of the Disaster Assistance Appeal Board are to constitute the panel to hear an appeal under this Act or decide an appeal under *The Water Resources Administration Act* or *The Red River Floodway Act*.

Decision of panel is a decision of the Board

[17(5.3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(5.3))     A decision of a panel about an appeal under this Act, *The Water Resources Administration Act* or *The Red River Floodway Act* is the decision of the Disaster Assistance Appeal Board.

Disaster assistance appeal

[17(6)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(6))       A claimant may appeal a decision of the Emergency Measures Organization respecting claims for specific losses or expenses for disaster assistance to the Disaster Assistance Appeal Board.

Duties of board

[17(7)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(7))       The Disaster Assistance Appeal Board shall

(a) set a fee payable by an appellant for the hearing of an appeal;

(b) hear appeals from the disposition of claims for disaster assistance by the Emergency Measures Organization; and

(c) dispose of an appeal by confirming, varying or setting aside the decision of the Emergency Measures Organization with respect to disaster assistance.

No further appeal

[17(8)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(8))       A decision of the Disaster Assistance Appeal Board under clause (7)(c) is not subject to appeal or review in any court of law.

Annual report

[17(9)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#17(9))       Within six months after the end of each fiscal year, the Disaster Assistance Appeal Board shall submit to the minister a report of its activities during that fiscal year.

[S.M. 1997, c. 28, s. 11](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#11); [S.M. 2002, c. 26, s. 6](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#6); [S.M. 2004, c. 18, s. 14](http://web2.gov.mb.ca/laws/statutes/2004/c01804e.php#14); [S.M. 2008, c. 28, s. 6](http://web2.gov.mb.ca/laws/statutes/2008/c02808e.php#6); [S.M. 2013, c. 12, s. 15.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#15)

PART V

GENERAL PROVISIONS

Protection from liability

[18(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18)       No action or proceeding may be brought against any person acting under the authority of this Act, including a member of an assisting force, for anything done, or not done, or for any neglect

(a) in the performance or intended performance of a duty under this Act; or

(b) in the exercise or intended exercise of a power under this Act;

unless the person was acting in bad faith.

Prerogative writs not to apply

[18(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18(2))       No person acting or purporting to act in accordance with the provisions of this Act or the regulations shall be restrained in performing that act or be subject to any proceedings by way of injunction, mandamus, prohibition or certiorari.

[S.M. 2005, c. 12, s. 6.](http://web2.gov.mb.ca/laws/statutes/2005/c01205e.php#6)

Apprehension — failure to comply with emergency evacuation order

[18.1(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.1)     If a peace officer reasonably believes that a person has failed to comply with an evacuation order made under section 12, and the person continues to refuse to comply with the order after being requested by the peace officer to evacuate, the peace officer may

(a) apprehend the person, without a warrant, for the purpose of taking the person to a place of safety; and

(b) take the person, or cause the person to be taken, to a place of safety.

Entry into premises — emergency evacuation order

[18.1(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.1(2))     For greater certainty, where a peace officer reasonably believes that a person who has failed to comply with an evacuation order made under section 12 may be found within any premises, including a dwelling, the peace officer may enter the premises, without a warrant, in order to carry out anything authorized under subsection (1).

Reasonable force

[18.1(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.1(3))     A peace officer may use reasonable force to carry out any action authorized under this section.

Information that must be provided

[18.1(4)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.1(4))     A peace officer who apprehends a person under subsection (1) must promptly inform the person of the reason for the apprehension, and advise the person as to the place of safety to which he or she is being taken. A peace officer is not required to inform the person of his or her right to counsel or give the person an opportunity to consult counsel during the period of apprehension provided that the person is released immediately upon being taken to a place of safety.

Minimum period of apprehension

[18.1(5)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.1(5))     A period of apprehension under this section must be no longer than is reasonably required to give effect to the evacuation order by taking the person to a place of safety. The person apprehended must be released immediately upon being taken to a place of safety.

[S.M. 2013, c. 12, s. 16.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#16)

Order to pay costs

[18.2(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.2)     The co-ordinator may, by order, require a person who was apprehended under section 18.1 to pay the costs incurred by the government of any action taken under that section in relation to the person.

Enforcement of order

[18.2(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.2(2))     An order to pay costs may be filed in the Court of Queen's Bench and enforced as if it were an order of the court.

[S.M. 2013, c. 12, s. 16.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#16)

Cost recovery by municipality

[18.3](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#18.3)        All costs that a municipality incurs respecting action taken under section 18.1 in relation to a person are a debt owing by that person to the municipality, and the municipality may collect the debt from the person in the same manner as taxes may be collected.

[S.M. 2013, c. 12, s. 16.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#16)

[19](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#19)          [Repealed]

[S.M. 2005, c. 17, s. 82.](http://web2.gov.mb.ca/laws/statutes/2005/c01705e.php#82)

Offence

[20(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#20)       A person commits an offence where that person

(a) fails to comply with an order made under section 12 by the minister or a local authority;

(a.1) interferes with or obstructs the operation or intended operation of, or damages, any emergency infrastructure, whether or not a state of emergency or a state of local emergency has been declared;

(b) interferes with or obstructs a person in the exercise of any power or the performance of any duty conferred or imposed by this Act or the regulations; or

(c) contravenes this Act or the regulations.

Definition

[20(1.1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#20(1.1))     For the purpose of clause (1)(a.1), **"emergency infrastructure"** means any works, infrastructure or thing — including water control works as defined in *The Water Resources Administration Act* — that is or may be needed to

(a) prevent an emergency or disaster from occurring or reduce the likelihood of such an occurrence; or

(b) reduce the effects of an emergency or disaster.

Arrest without warrant

[20(1.2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#20(1.2))     A peace officer who witnesses a person apparently committing an offence under subsection (1) may arrest the person without a warrant, but only if detaining the person is necessary to

(a) establish the person's identity;

(b) secure or preserve evidence relating to the offence; or

(c) prevent the continuation or repetition of the offence or the commission of another offence.

Penalty

[20(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#20(2))       Subject to subsection (3), a person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term of not more than one year or a fine of not more than $10,000., or both.

Penalty — failing to comply with evacuation order

[20(3)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#20(3))       A person who fails to comply with an evacuation order made under section 12 is liable on summary conviction to a fine of not more than $50,000., or imprisonment for a term of not more than one year, or both.

[S.M. 1997, c. 28, s. 12](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#12); [S.M. 2006, c. 9, s. 12](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#12); [S.M. 2013, c. 12, s. 11 and 17.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#11)

Evidence of declaration or order

[20.1](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#20.1)        In a proceeding under this Act in which proof is required as to the existence or contents of

(a) a declaration of a state of emergency or state of local emergency; or

(b) an order made under section 12;

a certified or notarized copy of the declaration or order is admissible in evidence as proof of the statements contained in the declaration or order. Proof of the signature of the minister or members of the local authority is not required.

[S.M. 1997, c. 28, s. 8](http://web2.gov.mb.ca/laws/statutes/1997/c02897e.php#8); [S.M. 2006, c. 9, s. 8](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#8); [S.M. 2013, c. 12, s. 11.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#11)

Act to prevail

[21(1)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#21)       Where there is a conflict between any provision of this Act and a provision of any other Act of the Legislature, the provision of this Act prevails.

Minister's order to prevail

[21(2)](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#21(2))       Where there is a conflict between an order of the minister made under section 12 and

(a) an order of a local authority made under section 12; or

(b) a provision of, or an order made under, any other Act of the Legislature;

the minister's order prevails.

[S.M. 2002, c. 26, s. 13](http://web2.gov.mb.ca/laws/statutes/2002/c02602e.php#13); [S.M. 2006, c. 9, s. 13](http://web2.gov.mb.ca/laws/statutes/2006/c00906e.php#13); [S.M. 2013, c. 12, s. 11.](http://web2.gov.mb.ca/laws/statutes/2013/c01213e.php#11)

Repeal

[22](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#22)          *The Emergency Measures Act* being chapter E80 of the *Continuing Consolidation of the Statutes of Manitoba* is repealed.

Reference in C.C.S.M.

[23](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#23)          This Act may be referred to as chapter E80 of the *Continuing Consolidation of the Statutes of Manitoba*.

Commencement of Act

[24](http://web2.gov.mb.ca/laws/statutes/ccsm/e080f.php#24)          This Act comes into force on the day it receives the royal assent.

ORGANIZATIONAL STRUCTURE

COMMUNICATION STRUCTURE OUTSIDE THE EOC

### Communication Structure During the Emergency



This diagram depicts the general flow of communication between different bodies. It does not reflect a reporting relationship between the different bodies.

Note: Because there are several lines of communication between the local EOC, Elected Officials, and EMO, it is imperative that all information is also directed through the local EOC and EMO Regional Emergency Manager.

### Local Authority

The local authority (elected officials) will communicate with five key groups during an emergency: the municipal EOC, EMO, political bodies, the public, and the media.

|  |  |
| --- | --- |
| **Group** | **Purpose of Communication** |
| Local EOC | To make legal, financial, and strategic decisions to support emergency operations and the well-being of the municipality |
| EMO – Regional Emergency Manager | For guidance on declarations and resolutions |
| Other political bodies (municipal, provincial, federal) | To act as a buffer between other political bodies and EOC |
| Public and Media | In partnership with the EOC, to communicate emergency information and instructions  (Media releases/messages regarding emergency operations should be confirmed with EOC) |

Any requests for information from the emergency site (Site) should go through the municipal EOC.

### Municipal EOC

The municipal EOC will communicate with six key groups during an emergency: site responders, EMO, other responding organizations, the local authority, the public, and the media.

|  |  |
| --- | --- |
| **Group** | **Purpose of Communication** |
| Site Responders | To provide support to the site through resources and services  To ensure coordination between site activities and activities happening outside the site |
| EMO – Regional Emergency Manager | For advice regarding all aspects of emergency management  To request assistance from the provincial or federal governments  To report emergency management actions, such as declarations and evacuations |
| Other Responding Organizations | To ensure coordination between response activities  To request or offer response support |
| Local Authority | For direction/decisions on legal, financial, and strategic issues necessary to support emergency operations and the well-being of the municipality |
| Public and Media | In partnership with the local authority, to communicate emergency information and instructions  (Media releases/messages should be approved by local authority) |

EMERGENCY SITE

Initial emergency response personnel, acting in good faith, may take such action(s) as may be required to protect lives, property, and the environment in the municipality, until a higher command authority is established.

### Division of Responsibility

* The Incident Commander (IC) shall, on behalf of the local authority, coordinate and direct all emergency services, support services, and volunteers working in the designated emergency zone.
* The local EOC will manage the remainder of the municipality and provide support to the Site.

### Requests for Resources and Services

* As soon as an EOC is functional, the incident commander must direct all requests for resources and services through the EOC.

### Communication between Site and EOC

* The Site and EOC must communicate updated information and requests for resources and services through identified personnel (incident commander, liaison officer, EOC manager, etc.)
* The Site and EOC must communicate at regular intervals and at significant points in the response.

### Site Security

* The Site is responsible for setting up and managing security at the site. This will include establishing a Personnel Accountability System (PAS).
* Authorized individuals seeking access to the site will need to provide acceptable identification and register with the PAS.

### Media Relations

* The media will frequently attend both the site and the EOC. Personnel at each location must be assigned to work with the media. The Site Media Officer and the EOC Public Information Officer must remain in close contact to ensure consistent messages are communicated.

EMERGENCY OPERATIONS CENTRE MANAGEMENT TEAM

The Emergency Operations Center Management Team will direct and control the response to the emergency. The team will be responsible for providing essential services and resources to the community and to the Emergency Site Team. The EOC team may consist of the following positions:

* Municipal Emergency Coordinator / EOC Manager
* Public Information Officer
* Security Coordinator
* Communications Coordinator
* Social Services Coordinator
* Facility Coordinator
* Public Works Coordinator
* Transportation Coordinator
* Volunteer Coordinator
* RCMP/Police Representative
* Fire Representative
* EMS Representative

It is recommended that the Mayor, Reeve, Council, or other elected officials only be involved outside of the EOC.

It is recommended that the MEC be the manager of the EOC.

EOC STRUCTURES

Different structures may be used to organize personnel in the EOC. The following diagrams are examples of two commonly used structures.

EOC personnel should be trained to function within their EOC structure in advance of an event.

MECs that have coordinator exchange agreements with other municipalities should be familiar with both structures so they can function in any EOC.

### ICS-Type Structure



This is an example of an incident command system (ICS)-type of structure that could be used in an EOC. Below the section headings are examples of functions that might within those sections. Refer to ICS documents and training materials for a complete explanation of functions that fall under each section.

### ESM-Type Structure



This is an example of an emergency site management (ESM)-type of structure that could be used in an EOC. Refer to ESM documents and training materials for a complete explanation of this structure.

DUTIES & RESPONSIBILITIES

The following section lists the primary responsibilities of personnel filling the positions below during an emergency response.

**Note:**

* Personnel may need to fill multiple positions based on the size of the event and the number of staff available.
* Some positions may only be needed during part of an event.
* All positions may not be filled during each event.

Mayor/Reeve, Council or Elected official

* Implementing the emergency plan in whole or in part.
* The council or, where the local authority is unable to assemble a quorum on a timely basis, the Mayor/Reeve is responsible for the Declaration of a State of Local Emergency.
* Are responsible for the termination of a State of Local Emergency.
* Notifying Manitoba Emergency Measures Organization that a State of Local Emergency has been declared.
* The authorization of media releases.
* Ultimate decision maker.
* Log all actions and decisions.
* In larger events, they may choose to appoint/approve the Incident Commander.

Municipal Emergency Coordinator (MEC) / EOC Manager

* Coordinate the Emergency Operations Center Management Team’s activities.
* Keep the Council and/or Mayor informed of developments as they occur.
* Request peacetime emergency mutual aid agreement resources.
* Review media releases.
* Log all actions and decisions.
* Requesting a full report of all emergency operations activities from all responding municipal agencies.

**MEC ONLY**

* Activate the municipal Emergency Operation Center
* Coordinate the emergency response.
* Initiate call out of the Emergency Operation Management Team
* Implementing the emergency plan in whole or in part.
* Advising Council and/or Mayor on declaring a State of Local Emergency.
* Prepare post-emergency reports.
* Shall ensure amendments to the emergency plan are made.
* May act as EOC Manager or designate a EOC Manager for EOC.

Municipal Administrator / Chief Administrative Officer (CAO)

* Advise Council and Mayor on legislation and procedures.
* Take direction from the Council and Mayor.
* Maintain financial and other records pertaining to the emergency operations.
* Log all actions and decisions.

Public Information Officer (PIO)

* Develop timely media releases concerning the emergency for release to radio stations, television and newspapers, pending approval from the CAO and/or the Elected Officials.
* Deliver media briefings or brief the community’s official spokesperson.
* Establish media facilities.
* Monitor the media for possible errors being reported about the emergency.
* Establish a means of informing evacuees of the activities undertaken in their community.
* Maintain a media resources list.
* Log all actions and decisions.
* Ensure coordination of media relations between Site and EOC

Security Coordinator

* Coordinate security at the Emergency Operations Centre to ensure only authorized personnel enter the facility.
* Coordinate with the local policing authorities to ensure sufficient security is in place at the scene of the disaster.
* Log all actions and decisions.

Communications Manager

* Establish necessary communications from the Emergency Operations Centre and the emergency site.
* If necessary, request additional telephones for Emergency Operations Centre and emergency site.
* Arrange for additional radio equipment and operators for volunteer organizations.
* Log all actions and decisions.

Emergency Social Services Manager

* Develop and maintain evacuation and reception resource lists.
* Coordinate and develop evacuation and reception arrangements with neighboring municipalities.
* Manage food, lodging, personal services, clothing, registration, inquiry and medical services.
* Assist reception communities in whatever way possible.
* Provide information to evacuees concerning state of affairs of the evacuated community and expected re-entry if known.
* Log all actions and decisions.

Facility Manager

* Under direction of Emergency Social Services Coordinator.
* Designates facilities and sets up facilities for food, accommodation, registration and inquiry, personal services and clothing.
* Sets up and designates space for reception center.
* Identify facility scheduling issues.
* Assist reception communities in whatever way possible.
* Log all actions and decisions.

Public Works Manager

* Ensure resources are available when requested. (i.e. equipment, barricades, supplies, construction companies, and contractors).
* Coordinate purchases, rentals, leases of equipment and maintain records of same.
* Assists in the disconnecting of utilities – water, sewer, hydro, gas, telephones etc.
* Restore essential services.
* Log all actions and decisions.

Transportation Manager

* Develop and maintain a transportation resource list of various vehicles.
* Coordinate the transportation of personnel and materials.
* Determine gasoline and diesel requirements for the emergency.
* Log all actions and decisions.

Volunteer Coordinator

* Arrange for volunteers as requested.
* Maintain a list of volunteers for various purposes.
* Ensure the needs of volunteers are met, i.e. transportation, feeding, respite, etc.

RCMP/Police Representative

* Provide emergency site security (establish inner and outer perimeter of emergency site).
* Manage traffic and crowd control.
* Coordinate evacuation.
* Set up of a temporary morgue, if necessary.
* Advise medical examiner in the event of a fatality.
* Establish Incident Command.
* Log all actions and decisions.

Fire Representative

* Establish Incident Command.
* Coordinate fire fighting/hazardous material operations.
* Activate the fire mutual aid system if necessary.
* Assist with the evacuation of people.
* Log all actions and decisions.

EMS Representative

* Establish Incident Command.
* Provide first aid on site.
* Initiate health mutual aid if necessary.
* Log all actions and decisions.

FORMS

Forms may be used in the preparation or execution of the plan. Forms are contained in individual files marked **FORM – [title of form**]. Pre-scripted public information/media forms are available in **Appendix D – Public Information Messages**.