



**DISCOVER. GROW. BELONG.**

**EMERGENCY RESPONSE PLAN**

**2026**



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# INTRODUCTION

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## SCOPE

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

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, 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

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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

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The responsibility for the health and welfare of its citizens rest with the elected officials of our town. Every town 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 town 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

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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”.

## Certified Resolution

### TOWN OF CARBERRY

**Res #300-25 BE IT RESOLVED THAT** Council adopt the 2026 Emergency Response Plan, as revised and submitted by Municipal Emergency Coordinator Sudak.

**Moved by:** S. Van Damme **Seconded by:** W. Kalinowich

“Carried”

I, Teresa McConnell, CAO of the Town of Carberry, do hereby certify the above to be a true and correct copy of a resolution passed by the Council of the Town of Carberry at their regular meeting on November 10, 2025.

Dated at Carberry this 12<sup>th</sup> day of November, 2025.



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Teresa McConnell, CMMA

# DEFINITIONS

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Council	Shall mean a majority of the whole number of members required to constitute the Council of the town, 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 the 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 town.
Information Center	Shall mean locations for speeding 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 firsts-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 is 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 and 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**

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ANA	Aboriginal and Northern Affairs (Provincial)
ARES	Amateur Radio Emergency Services
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 Organization (Provincial)
EMS	Emergency Medical Services
EPO	Emergency Prevention Order
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)
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**

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## **1.1 FOR PREPAREDNESS**

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The following requirements are based on the Emergency Preparedness Plans and Program 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*.

### **1.1.1 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.

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

### **1.1.2 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 possible hazards in their areas.

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

### **1.1.3 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 and implementation of emergency preparedness programs and emergency plans and the conduct of emergency operations”

Municipalities will formalize all mutual aid agreements 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
- Caterers
- Institutions

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

### **1.1.4 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.

### **1.1.5 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.

## **1.2 USING THE EMERGENCY MEASURES ACT DURING OPERATIONS**

### **1.2.1 Emergency Prevention Order**

An Emergency Prevention Order (EPO) may be issued by local authority under s. 8.2(3) of The Emergency Measures Act (Act) to acquire and exercise specific powers before the actual onset of the emergency, if there is enough time to take measures to prevent the emergency or disaster from occurring, or significantly reduce its potential effects.

EPOs may intrude on individual and property owner's rights. Therefore, the actions undertaken must be:

- Permitted under the Act,
- Reasonably necessary in the face of an anticipated emergency or disaster, and
- Proportional to the loss or damage that the action seeks to prevent.

### **ISSUING AN EMERGENCY PREVENTION ORDER**

To issue an EPO, the following steps must be completed:

1. The local authority must pass a resolution with a Quorum of Council to issue an emergency prevention order.
2. The order and resolution must be forwarded by the most effective means to EMO, which will forward it to its Minister. (**See template: FORM – Emergency Prevention Order.**)
3. The local authority must also communicate the details of the emergency prevention order to residents of the affected area by the most appropriate means available.

EPOs are valid for a period set out in the EPO not exceeding 30 days and may be extended.

### **EXTENDING AN EMERGENCY PREVENTION ORDER**

The local government may make an application to the Minister for an extension of the emergency prevention order, and the minister may approve its extension for further periods of 14 days each. **Requests for an extension are not automatically approved and require some explanation.**

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

1. The local authority must pass a resolution with a Quorum of Council requesting an extension to the prevention order.
2. The local authority must forward the resolution to EMO, along with any relevant information in support of the extension. EMO will forward the extension request to the Minister along with a recommendation from the Executive Director of EMO.
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 of the emergency prevention order to residents of the affected area by the most appropriate means available.

If a local authority requires a subsequent prevention order after a previous one has expired, the new prevention order will be treated as an extension of the previous prevention order.

## **TERMINATION OF AN EMERGENCY PREVENTION ORDER**

The Minister has authority to terminate any emergency prevention order that is no longer required. Where the Minister terminates an emergency prevention order, 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.

### **1.2.2 Declaring a State of Local Emergency**

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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 power set out in the Act.

The 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 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 town, 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 14 days. On the application of the local authority the Minister may extend the length of the SOLE for further periods of 14 days each.

## **EXTENDING A STATE OF LOCAL EMERGENCY**

The local authority may make an application to the Minister for an extension of the SOLE, and the Minister may approve its extension for further periods of 14 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 and 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 of the emergency prevention order 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 town 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.

### **1.2.3 The Emergency Measures Act**

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## **MANITOBA**

### **THE EMERGENCY MEASURES ACT**

C.C.S.M. c. E80

### **LOI SUR LES MESURES D'URGENCE**

c. E80 de la C.P.L.M.

As of 22 Nov. 2023, this is the most current version available. It is current for the period set out in the footer below.

Le texte figurant ci-dessous constitue la codification la plus récente en date du 22 nov. 2023. Son contenu était à jour pendant la période indiquée en bas de page.

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

## Definitions

### 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 »)

**"continuity plan"** means a plan for responding to an event that affects the delivery of 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 »)

**"co-ordinator"** means the senior officer responsible for the administration of the Manitoba Emergency Management 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

- (a) to reduce vulnerability to hazards and increase emergency and disaster resiliency, and
- (b) to establish and formalize the processes to be used to prevent, mitigate, prepare for, respond to and recover from an emergency or disaster; (« 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 »)

**"local authority"** means any of the following:

- (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) with respect to land in northern Manitoba other than in an incorporated community, the minister responsible for the administration of *The Northern Affairs Act*,
- (f) with respect to provincial parks designated under section 7 of *The Provincial Parks Act*, the minister responsible for the administration of that Act,
- (f.1) with respect to wildlife management areas or wildlife refuges designated under section 2 of *The Wildlife Act*, the minister responsible for the administration of section 2 of that Act,
- (f.2) with respect to agricultural Crown lands within the meaning of *The Crown Lands Act*, the minister responsible for the administration of section 7.2 of that Act,

(f.3) with respect to Crown lands within the meaning of *The Crown Lands Act* other than agricultural Crown lands, the minister responsible for the administration of section 6 of that Act,

(g) the Minister responsible for the administration of the *Indian Act* (Canada) with respect to a reserve as defined in 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 »)

# PART I

## ADMINISTRATION

### Manitoba Emergency Management Organization

**2(1)** The Manitoba Emergency Measures Organization is hereby continued under the name "Manitoba Emergency Management Organization" as a branch of the department administered by the minister.

#### Staff

**2(2)** A co-ordinator and such officers and employees as may be required may be appointed under Part 3 of *The Public Service Act* for the administration of the Manitoba Emergency Management Organization.

#### Powers and duties

**2(3)** The Manitoba Emergency Management 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.

#### Mandate

**2.1** The Manitoba Emergency Management 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.

## **Emergency preparation**

### **2.2 The Manitoba Emergency Management Organization**

- (a) must prepare a provincial emergency management program and a provincial emergency plan, and conduct regular reviews and revisions of the program and plan; and
- (b) may establish and maintain a registry containing a copy of every emergency management program and emergency plan in effect in the province.

## **Advisory committee**

**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 management programs and emergency plans.

## **Other committees and boards**

**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** 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** The Lieutenant Governor in Council may make orders and regulations

- (a) concerning the establishment, review, modification and approval of emergency management programs, other than programs prepared under section 8.1, and of emergency plans;
- (b) assigning responsibility to persons, departments, boards, committees, commissions, crown agencies or organizations for the preparation, implementation

and amendment of emergency management programs, other than programs prepared under section 8.1, and of emergency plans;

(b.1) designating a corporation or other person, organization or entity that provides a critical service, or a class of any of them, other than a department or a local authority, 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 continuity plan;

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

## **Powers and duties of the minister**

### **7 The minister may**

(a) enter into agreements respecting emergency management 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 management programs and emergency plans;

- (c) divide the province into regions and areas for the purpose of organizing integrated emergency management programs, emergency plans, procedures, operations and mutual assistance programs;
- (d) require any part of the private sector to develop emergency management programs and emergency plans in conjunction with local authorities or the Manitoba Emergency Management 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.

## **Powers and duties of the local authorities**

### **8(1) Every local authority**

- (a) shall establish a committee of members of the community to advise the authority on the development of emergency management programs and emergency plans;
- (b) shall establish and maintain a local emergency response control group;
- (c) shall appoint a person and prescribe the duties of that person including the preparation and co-ordination of emergency management programs and emergency plans for the local authority;
- (d) shall prepare and adopt emergency management programs and emergency plans and submit them to the co-ordinator for approval and co-ordination with other emergency management 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 management 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 management programs and emergency plans; and
- (g) shall implement its emergency management programs as approved under this section.

## **Approval of program or plan**

### **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)** 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)** 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 management 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)** 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)** 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)** When a local authority proposes to change an emergency management program or emergency plan, clause (1)(d) and subsections (2) to (6) apply, with necessary modifications, to the proposed change.

### **Periodic review**

**8(8)** A local authority must review and revise its emergency management 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.

**8(9)** [Repealed]

### **Continuity plans — departments**

**8.1(1)** Every department must, in accordance with the directions of the minister, prepare a continuity plan for the services it provides.

### **Emergency management programs — departments**

**8.1(2)** The minister may require a department to prepare an emergency management program and provide the department directions with respect to the program's preparation.

### **Periodic review**

**8.1(3)** A department must review and revise any continuity plan or emergency management program it is required to prepare under subsection (1) or (2) on a regular basis and when directed to do so by the minister.

#### **Plan or program given to co-ordinator**

**8.1(4)** A department must give the co-ordinator the most recent version of its continuity plan or emergency management program.

**8.2** [Repealed]

#### **Continuity plans — critical service providers**

**8.3(1)** Every critical service provider must, in accordance with the regulations, prepare a continuity plan for critical services specified in the regulations and submit the continuity plan to the co-ordinator.

#### **Referring plan back to critical service provider**

**8.3(2)** After a continuity plan has been submitted to the co-ordinator under this section, the co-ordinator may refer it back to the critical service provider for further action with any recommendations or directions the co-ordinator considers appropriate.

#### **Plan to be resubmitted**

**8.3(3)** When a continuity 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.

#### **Minister may set deadline**

**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**

**8.3(5)** If a critical service provider makes a change to a continuity plan, subsections (1) to (4) apply, with necessary modifications, to the change.

#### **Periodic review**

**8.3(6)** A critical service provider must review and revise its 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.

## **PART III**

## **EMERGENCY RESPONSE**

### **Implementation of provincial emergency plan**

**9(1)** 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)** 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.

### **Declaration of a state of emergency**

**10(1)** 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)** 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)** 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)** 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)** *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).

## **Declaration of a state of local emergency**

**11(1)** 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)** 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)** 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)** 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)** 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)** 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)** 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)** 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 emergency or disaster for which a state of local emergency has previously been declared.

## **Information to co-ordinator**

**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.

## **Order powers — minister, local authority**

**12(1)** 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)** 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)** 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.

## **Evacuation and rescue plan required**

**12(3.1)** An on-site incident commander or site manager mentioned in subsection (3) must not permit a person to remain in an area that is subject to an evacuation order without having a plan for safely evacuating the person in a timely manner and having the means available to carry it out.

## **Continuity plans and critical services**

**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 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.

## **Statutes and Regulations Act does not apply**

**12(5)** *The Statutes and Regulations Act* does not apply to an order made under this section.

## **Minister's order to prevail**

**12(6)** Where there is a conflict between an order of the minister made under this section and

- (a) an order of a local authority made under this section; or
- (b) a provision of, or an order made under, any other Act of the Legislature;

the minister's order prevails.

### **12.1** [Renumbered as section 20.1]

## **Qualifications — member of assisting force**

**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.

## 12.3 [Repealed]

### Definitions

#### 12.4 The following definitions apply in sections 12.5 to 12.16.

**"administrative tribunal"** means a body established or an individual appointed by or under an Act to decide matters in accordance with the authority given under that Act, but does not include

- (a) a judicial justice of the peace appointed under *The Provincial Court Act*;
- (b) the Provincial Court or a judge of that court;
- (c) the Court of King's Bench or a judge or master of that court; or
- (d) the Court of Appeal or a judge of that court. (« tribunal administratif »)

**"enactment"** means an Act, or a regulation as defined in *The Statutes and Regulations Act*, or any provision of an Act or regulation. (« texte »)

**"local authority"** has the same meaning as in subsection 8(3) of *The Statutes and Regulations Act*. (« autorité locale »)

**"temporary suspension order"** means an order made under subsection 12.6(3). (« décret portant suspension temporaire »)

**"temporary suspension period"** means the period of time during which a temporary suspension order is in effect as determined under subsection 12.7(2). (« période de suspension temporaire »)

### Purpose — temporary suspension order

**12.5** The purpose of sections 12.6 to 12.13 is to authorize the Lieutenant Governor in Council to make appropriate orders when, in the opinion of the Lieutenant Governor in Council, victims of an emergency or disaster or other persons affected by an emergency or disaster need greater services, programs, benefits or compensation than the laws of Manitoba provide or may be prejudiced by the operation of the laws of Manitoba.

### Application — temporary suspension order

#### 12.6(1) This section applies to the following:

- (a) a provision that governs services, programs, benefits or compensation, including by
  - (i) fixing maximum amounts,
  - (ii) establishing eligibility requirements,
  - (iii) requiring that something be proved or supplied before services, programs, benefits or compensation become available,

- (iv) requiring the payment of a fee to access a service or program;
- (v) restricting how often a service or benefit may be provided or a payment may be made in a given time period, or
- (vi) restricting the duration of services, programs, benefits or compensation or the time period during which they may be provided;

(b) a provision that governs an action or activity in respect of carrying out a business or participating in a regulated activity, including by establishing a deadline or time period within which a report or information must be filed or submitted;

(c) a provision that establishes a limitation period or a time period within which a step must be taken in a proceeding;

(d) a provision that requires the payment of a fee in respect of a proceeding or in connection with anything done in the administration of justice;

(e) a provision that requires the holding of a proceeding in person, including an administrative tribunal hearing;

(f) a provision that requires an action or activity to be undertaken in the presence of a person;

(g) a provision that requires the payment of late fees, interest or a monetary penalty.

#### **Restrictions — temporary suspension order**

**12.6(2)** This section does not authorize

- (a) making any reduction in services, programs, benefits or compensation;
- (b) shortening a limitation period; or
- (c) increasing the amount of a fee or penalty.

#### **Temporary suspension order — Lieutenant Governor in Council**

**12.6(3)** If

- (a) a state of emergency has been declared under section 10 or 11;
- (b) the Lieutenant Governor in Council is of the opinion that the order would facilitate providing assistance to victims of the emergency or disaster or would otherwise help victims or other persons in dealing with the emergency or disaster and its aftermath; and
- (c) the Attorney General recommends the making of the order;

then the Lieutenant Governor in Council may, by order,

- (d) temporarily suspend the operation of a provision of an enactment or a by-law of a local authority; and
- (e) if it is appropriate to do so, set out a replacement provision to be in effect only during the temporary suspension period.

### **General or specific**

**12.6(4)** A temporary suspension order may be general or specific in its application.

### **Limited duration of temporary suspension order**

**12.7(1)** A temporary suspension order is in effect for the period of time stated in the order unless sooner revoked by the Lieutenant Governor in Council.

### **Determination of temporary suspension period**

**12.7(2)** The temporary suspension period is to be one of the following:

- (a) the duration of the state of emergency;
- (b) a specified number of days;
- (c) any other period of time set out in the order.

For clauses (b) and (c), the period of time shall not be more than six months from the day the order becomes effective.

### **Retroactive effect**

**12.7(3)** A temporary suspension order may have retroactive effect but it shall not be in effect earlier than the day on which the state of emergency was declared under section 10 or 11.

### **Renewal of temporary suspension order**

**12.8** If a temporary suspension period ends during the state of emergency, the Lieutenant Governor in Council may renew the order before the period ends.

### **Effect of temporary suspension — limitation and other periods**

**12.9(1)** If a provision establishing a limitation period or other time period described in clause 12.6(1)(c) is suspended under the authority of a temporary suspension order and the order does not provide for a replacement period, the period resumes running on the day on which the temporary suspension period ends, and the temporary suspension period must not be counted.

### **Effect of temporary suspension — fee**

**12.9(2)** If a provision requiring the payment of a fee is suspended under the authority of a temporary suspension order and the order does not provide for a replacement fee, no

fee is payable at any time with respect to any thing done during the temporary suspension period.

### **Effect of temporary suspension — late fees, interest, penalties**

**12.9(3)** If a provision requiring the payment of late fees, interest or a monetary penalty is suspended under the authority of a temporary suspension order and the order does not set out a replacement provision, no late fee, interest or penalty is payable at any time during the temporary suspension period, and the late fee, interest or penalty must not accrue.

### **Compliance with replacement provision**

**12.10** A person who complies with a replacement provision set out in a temporary suspension order is deemed to have complied with the provision in the enactment or by-law for which the replacement is provided.

### **Conflict**

**12.11** In the event of a conflict between a temporary suspension order and any other enactment or a by-law, licence, permit, approval, agreement or instrument, the order prevails unless the other enactment, by-law, licence, permit, approval, agreement or instrument specifically provides that it is to apply despite this Act.

### **Publication**

**12.12** A temporary suspension order must be published on a government website as soon as reasonably practicable.

### **Statutes and Regulations Act does not apply**

**12.13** *The Statutes and Regulations Act* does not apply to a temporary suspension order.

### **Order — varying reporting deadlines for government and government agencies**

**12.14(1)** When a state of emergency has been declared under section 10 or 11, the Lieutenant Governor in Council may, by order, temporarily vary a deadline or time period in an enactment within which the government, including a minister or a department, or a government agency, is obligated to file, submit or table a report or information.

### **Duration of varied deadline**

**12.14(2)** The duration of the varied deadline or varied time period must be specified in the order, which shall not be more than six months after the day the order becomes effective. If the order so provides, it may have retroactive effect to a day specified in the order, which shall be no earlier than the day on which the state of emergency was declared.

### **Compliance**

**12.14(3)** The government or government agency is deemed to have complied with the obligation in the enactment when it complies with the varied deadline or time period.

#### **Other provisions apply**

**12.14(4)** Sections 12.11 to 12.13 apply to an order made under subsection (1), with necessary changes.

#### **Speaker may vary deadline or time period**

**12.15(1)** When a state of emergency has been declared under section 10 or 11, the Speaker of the Assembly may temporarily vary a deadline or time period in an enactment within which an officer of the Assembly or member of the Assembly is obligated to file, submit or table a report or information.

#### **Duration of varied deadline**

**12.15(2)** The duration of the varied deadline or time period must be specified. The variation may have retroactive effect to a specified day, which shall be no earlier than the day on which the state of emergency was declared.

#### **Expiry**

**12.15(3)** The variation ceases to have effect at the end of the next session of the Legislature unless sooner revoked by the Speaker.

#### **Compliance**

**12.15(4)** An officer or member of the Assembly who complies with the varied deadline or time period is deemed to have complied with the obligation in the enactment.

#### **Other provisions apply**

**12.15(5)** Sections 12.11 to 12.13 apply to a variation made under subsection (1), with necessary changes.

#### **Meaning of "officer of the Assembly"**

**12.15(6)** In subsection (1), "**officer of the Assembly**" means an officer referred to in clause 6(1)(b.1) of *The Legislative Assembly Management Commission Act*.

#### **Order may not be made re information access request**

**12.16** An order made under section 12.6, 12.14 or 12.15 must not be made in relation to a response to a request under *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

#### **Compensation for loss**

**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.

### **Termination of state of emergency**

**14(1)** 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)** *The Statutes and Regulations Act* does not apply to the termination of a state of emergency under subsection (1).

### **Termination of a state of local emergency**

**15(1)** 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)** 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)** *The Statutes and Regulations Act* does not apply to the termination of a state of local emergency under subsection (2).

## **PART IV**

## **DISASTER ASSISTANCE**

### **Recovery of expenditures**

**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)** The Manitoba Emergency Management 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)** 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.

### **Establishment of Disaster Assistance Appeal Board**

**17(1)** 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)** 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)** 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)** 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)** 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)** The members of the Disaster Assistance Appeal Board who are not employees of the government 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)** 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)** 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)** 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)** 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)** A claimant may appeal a decision of the Manitoba Emergency Management Organization respecting claims for specific losses or expenses for disaster assistance to the Disaster Assistance Appeal Board.

### **Duties of board**

**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 Manitoba Emergency Management Organization; and
- (c) dispose of an appeal by confirming, varying or setting aside the decision of the Manitoba Emergency Management Organization with respect to disaster assistance.

### **No further appeal**

**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)** 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.

## **PART V** **GENERAL PROVISIONS**

### **Protection from liability**

**18(1)** 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)** 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.

## **Apprehension — failure to comply with emergency evacuation order**

**18.1(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)** 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)** A peace officer may use reasonable force to carry out any action authorized under this section.

## **Information that must be provided**

**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)** 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.

## **Order to pay costs**

**18.2(1)** 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)** An order to pay costs may be filed in the Court of King's Bench and enforced as if it were an order of the court.

## **Cost recovery by municipality**

**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.

**19** [Repealed] Regulations re enforcement officer

**19.1** The Lieutenant Governor in Council may, by regulation, designate a person or class of persons authorized to enforce this Act, including an order made under this Act, subject to any restrictions or conditions specified in the regulation.

## **Offence**

**20(1)** A person is guilty of an offence where that person

- (a) fails to comply with an order made under section 12;
  - (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)** 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)** 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 — individual**

**20(2)** Subject to subsection (3), a person, other than a corporation, who is guilty of an offence under subsection (1) is liable on conviction to a fine of not more than \$50,000, or imprisonment for a term of not more than one year, or both.

### **Penalty — corporation**

**20(2.1)** A corporation that is guilty of an offence under subsection (1) is liable on conviction to a fine of not more than \$1,000,000.

### **Penalty — failing to comply with evacuation order**

**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 \$500,000, or imprisonment for a term of not more than one year, or both.

### **Time limit for prosecution**

**20(4)** A prosecution under this Act may be commenced within two years after the offence is alleged to have occurred, but not afterwards.

### **20(5) [Repealed] Exception**

**20(6)** A person must not be charged with an offence for failing to comply with an order made under this Act or interference or obstruction in respect of an order that is retroactive to a day that is specified in the order if the failure to comply, interference or obstruction is in respect of conduct that occurred before the order was made but is after the retroactive date specified in the order.

### **Due diligence defence**

**20(7)** No person shall be found to have failed to comply with an order under section 12 if the person can establish that they took all reasonable steps to prevent the failure.

## **Evidence of declaration or order**

**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.

## **Act to prevail**

**21(1)** 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.

**21(2)** [Renumbered as subsection 12(6)] Repeal

**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** This Act may be referred to as chapter E80 of the *Continuing Consolidation of the Statutes of Manitoba*.

## **Commencement of Act**

**24** This Act comes into force on the day it receives the royal assent.

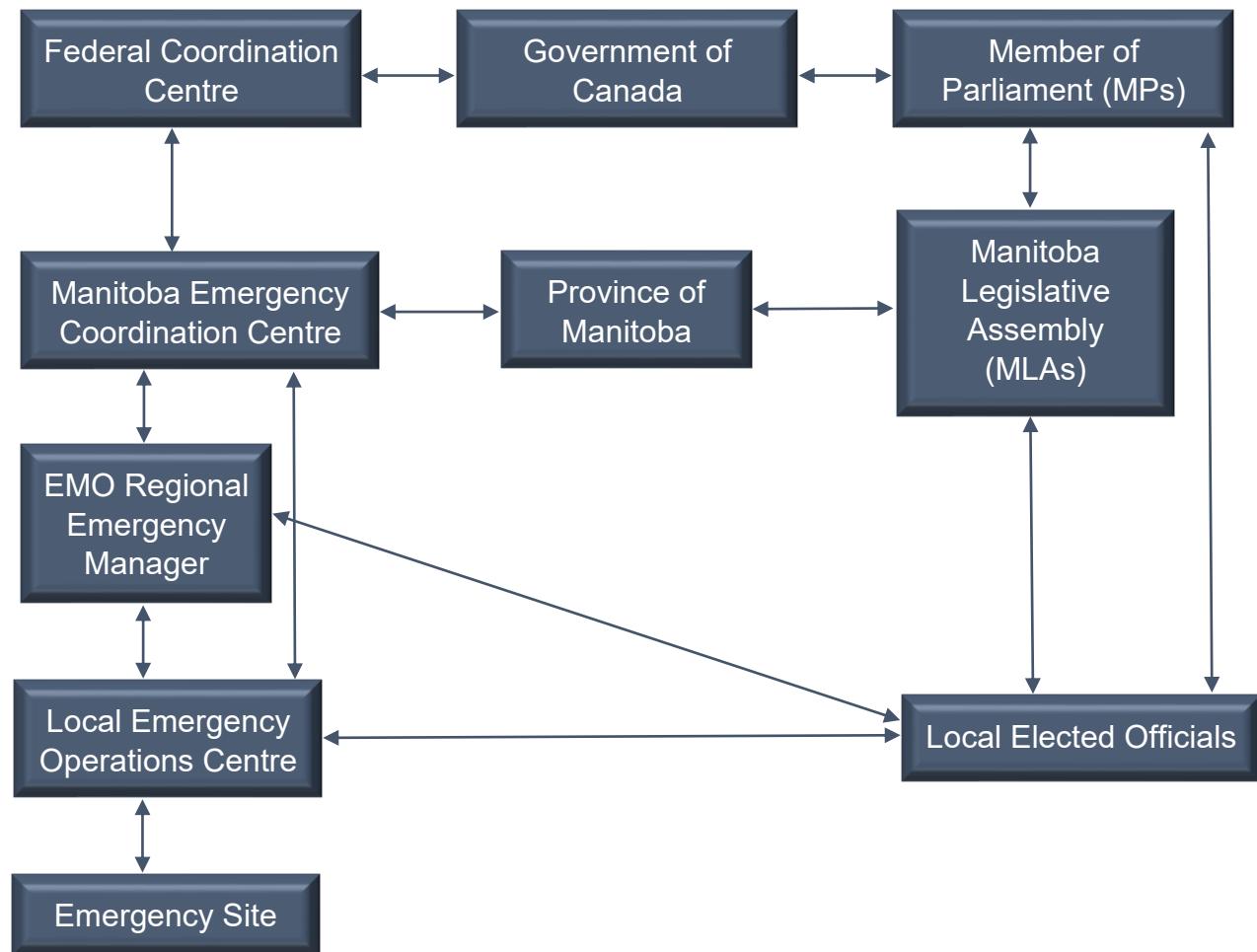
## 2 ORGANIZATIONAL STRUCTURE

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### 2.1 COMMUNICATION STRUCTURE OUTSIDE THE EOC

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#### 2.1.1 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.

## 2.1.2 Local Authority

The local authority (elected officials) will communicate with five key groups during an emergency: the town 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 town.
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 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 town EOC.

## 2.1.3 Town EOC

The town 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	Provide direction/decisions on legal, financial, and strategic issues necessary to support emergency operations and the well-being of the town
Public and Media	In partnership with the local authority, to communicate emergency information and instructions (Media releases/messages should be approved by the local authority)

## **2.2 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 town, until a higher command authority is established.

### **2.2.1 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 town and provide support to the Site.

### **2.2.2 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.

### **2.2.3 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.

#### **2.2.4 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.

#### **2.2.5 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.

### **2.3 EMERGENCY OPERATIONS CENTRE MANAGEMENT TEAM**

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The Emergency Operations Centre 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.

## 2.4 EOC STRUCTURES

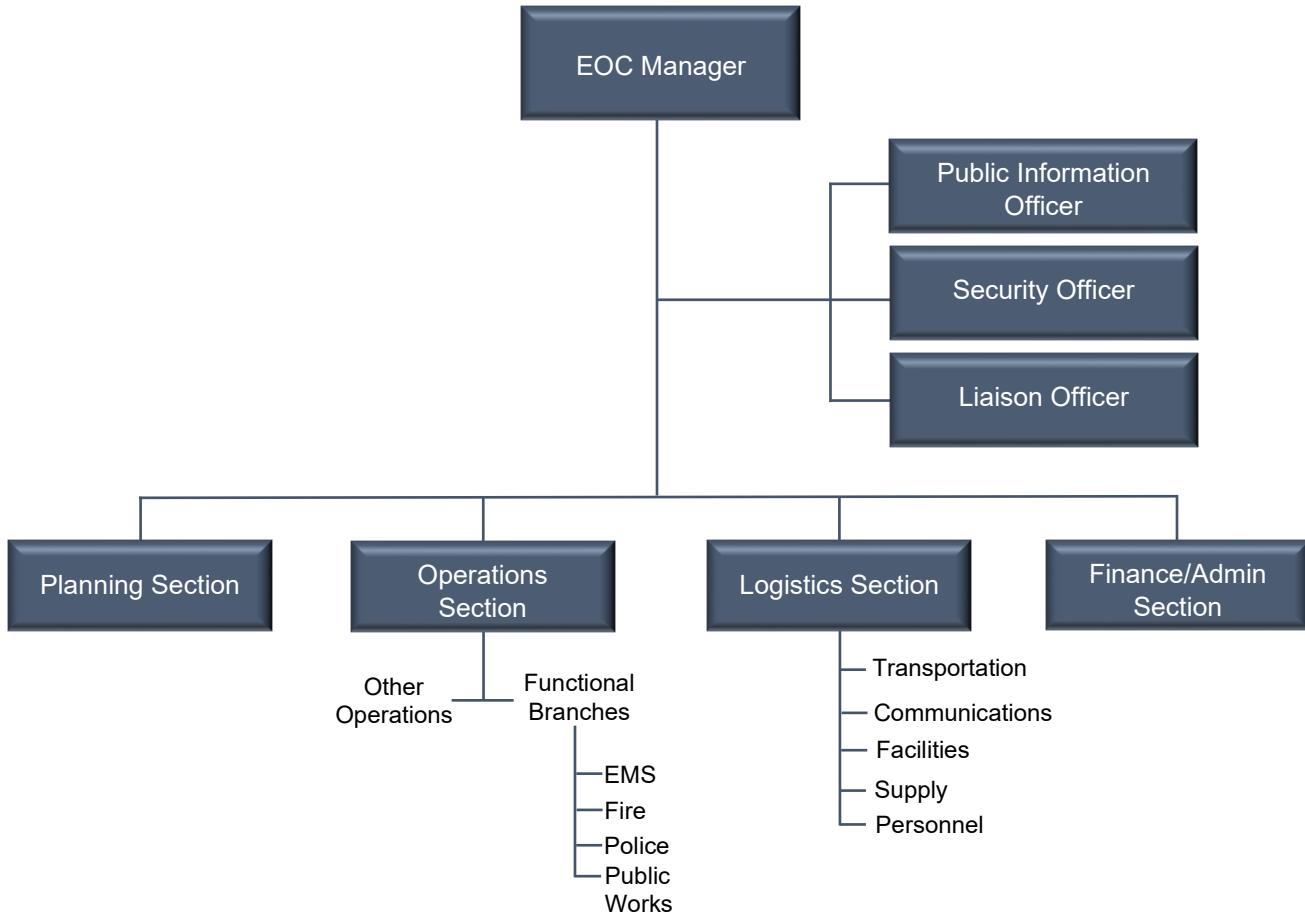
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Different structures may be used to organize personnel in the EOC. The following diagrams are examples of two commonly used structures.

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

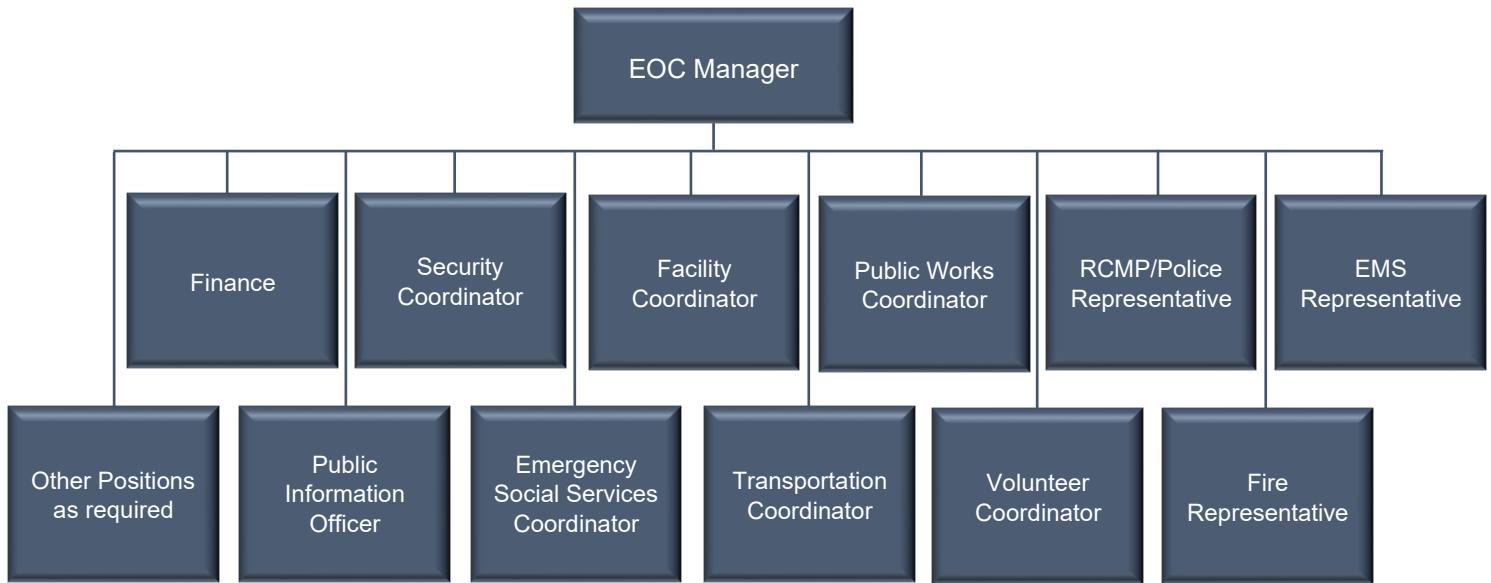
MECs that have coordinator exchange agreements with other municipalities should be familiar with both structure so they can function in and EOC.

### 2.4.1 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.

## 2.4.2 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.

## 2.5 DUTIES & RESPONSIBILITIES

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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.
- The council is responsible for issuing an Emergency Prevention Order.
- Are responsible for the termination of an Emergency Prevention Order or State of Local Emergency.
- Notifying Manitoba Emergency Measures Organization that an Emergency Prevention Order of 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 Centre 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 town Emergency Operation Centre
- Coordinate the emergency response
- Initiates 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 Prevention Order or State of Local Emergency
- Prepare post-emergency reports
- Shall ensure amendments to the emergency plan are made
- May act as EOC Manager or designate an EOC Manager for EOC

## **TOWN 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 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 resource 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 decision

## **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 neighbouring municipalities
- Manage food, lodging, personal services, clothing, registration, inquiry and medical services
- Assist reception communities in whatever way possible
- Provide information to evacuees concerning situation of the evacuate community and expected re-entry if known
- Log all actions and decisions

## **FACILITY MANAGER**

- Under direction of Emergency Social Services Coordinator
- Designate facilities and sets up facilities for food, accommodation, registration and inquiry, personal services and clothing
- Sets up and designates space for reception centre
- 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

## **3 FORMS**

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