

RSNL1990 CHAPTER E-8

EMERGENCY MEASURES ACT

Amended:

2004 c11; 2004 cL-3.1 s26; 2006 c40 s21

CHAPTER E-8

AN ACT TO PROVIDE FOR THE ORGANIZATION AND ADMINISTRATION OF
EMERGENCY
MEASURES

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Short title

1. This Act may be cited as the Emergency Measures Act.

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Definitions

2. In this Act

(a) "advisory committee" means the emergency measures advisory committee appointed under section 5;

(a.1) "assistance agreement" means the International Emergency Management Assistance Memorandum of Understanding dated July 18, 2002 and executed among governors of the New England states of the United States of America and premiers of Quebec and the Atlantic provinces of Canada ;

(b) "civil disaster" means a real or anticipated occurrence, other than a war emergency, which endangers or is likely to endanger the safety, welfare and well-being of some or all of the civil population of the province and includes disease, pestilence, fire, flood, tempest or other calamity not directly attributable to enemy attack, sabotage or other hostile action;

(c) "council" means the council of a municipality;

(d) "deputy minister" means the Deputy Minister of Municipal and Provincial Affairs or other deputy minister of the Crown whom the Lieutenant-Governor in Council may designate for the administration of this Act;

(e) "emergency government committee" means the emergency government committee appointed under section 4;

(f) "emergency measures" means the planning, organization, establishment and operation of defensive, precautionary and safety measures, controls, facilities and services of all kinds, other than those for which the military forces or other agencies of the Government of Canada are primarily responsible, necessary or desirable in the public interest for meeting, reducing, preventing and overcoming the effects of civil disaster or a war emergency and includes

(i) the preparation and carrying out of all plans and measures necessary to ensure the survival and continuity of civil government in the province in times of civil disaster or war emergency,

- (ii) the preservation of law and order,
 - (iii) the control of traffic, including the movement of persons and property and the maintenance, clearance and repair of roads,
 - (iv) the establishment of areas in the province, and the provision of appropriate services in those areas, for the reception, accommodation and feeding of persons evacuated from other areas which have been or are likely to be subject to civil disaster, hostile action or enemy attack,
 - (v) the organization of emergency medical services and public health and welfare measures,
 - (vi) the organization of firefighting, rescue and salvage services and radioactive fallout detection services,
 - (vii) the maintenance and repair of public utilities,
 - (viii) assistance to municipalities in the development of emergency measures within their jurisdictions,
 - (ix) liaison with the Government of Canada, other provinces of Canada, municipalities in the province and states that are parties to the assistance agreement in all matters relating to emergency planning, and
 - (x) the institution of training and public information programs to ensure the existence of adequately trained and equipped forces to meet the emergency requirements of the province and to keep the civilian population fully informed of the measures which have been adopted and the action which they should take for their safety, welfare and well-being in times of civil disaster or war emergency;
- (g) "minister" means the minister appointed under the Executive Council Act to administer this Act;
- (h) "municipality" means a city established under the City of Corner Brook Act , the City of Mount Pearl Act or the City of St. John's Act or a municipality as defined in the Municipalities Act, 1999 ; and
- (i) "war emergency" means
- (i) an outbreak or threatened outbreak of hostilities in which Canada is or may be involved,
 - (ii) an invasion or threat of invasion of Canada by hostile forces, or
 - (iii) an emergency as a result of which Canada is likely to be subject to enemy attack, acts of sabotage or other hostile action.

PART I
ADMINISTRATION OF ACT

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Staff

3. (1) The Lieutenant-Governor in Council may appoint and designate by title officers, clerks or other employees who are necessary to assist the minister in the proper carrying out of the provisions of this Act and they shall perform the duties assigned to them under this or another Act.

(2) The salaries of officers, clerks and employees appointed under subsection (1) and all other expenses incurred in administering this Act shall be paid out of money voted annually by the Legislature for the purpose.

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Emergency government committee

4. (1) The Lieutenant-Governor in Council may appoint an emergency government committee to be responsible for the preparation and implementation of plans and to advise and assist him or her in all matters relating to the survival and continuity of civil government in the province in times of civil disaster or war emergency and to perform other duties that may be assigned to it by the Lieutenant-Governor in Council.

(2) The emergency government committee shall comprise those ministers of the Crown, officers of the government of the province, representatives of municipalities and other persons that the Lieutenant-Governor in Council considers necessary.

(3) The minister shall be a member of the emergency government committee and is chairperson of the committee.

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Advisory committee

5. (1) The minister may, subject to the approval of the Lieutenant-Governor in Council, appoint an emergency measures advisory committee to advise and assist him or her on all matters relating to emergency measures in the province other than those matters which are the responsibility of the emergency government committee.

(2) The advisory committee shall be composed of representatives of the government, municipalities, provincial or national organizations and other persons whom the minister considers necessary.

(3) The minister is chairperson of the advisory committee and the deputy minister is the secretary.

(4) The advisory committee may appoint subcommittees and may delegate to a subcommittee those of its own powers and duties that it considers necessary.

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Municipal committees

6. (1) The council of a municipality may by resolution establish a committee and adopt a plan to deal with all matters relating to emergency measures within the boundaries of the municipality.

(2) A plan adopted by a council under subsection (1) shall be submitted to the minister and shall not be implemented without the minister's approval.

(3) Where a state of civil disaster that applies to a municipality or a state of war emergency is declared under section 7 a plan adopted by a municipality under subsection (1) and approved by the minister under subsection (2) shall then come into operation.

(4) Where a disaster affecting a municipality occurs and a state of civil disaster has not been declared under section 7 the minister may, by order, authorize the council to put into operation the plan adopted by the council under subsection (1).

(5) Where the minister makes an order under subsection (4), a council may put into operation the plan adopted under subsection (1) and may then take the action and do the things that are necessary to give effect to the plan.

(6) Where a council asks the minister to approve an amendment of a plan adopted under subsection (1) or the repeal of a part of that plan, the minister may approve or disapprove of the amendment or repeal and the council may amend the plan or repeal a part of the plan if the minister approves.

(7) A council shall exercise the powers and authority granted to it under this section subject to this Act and the regulations and to all orders made and acts and things done by the Lieutenant-Governor in Council and to the direction and supervision of the minister.

(8) A council may appoint a person to supervise and control, under its direction, emergency measures plans or an organization which it has adopted or established and the person appointed shall co-operate with the minister and with the officers, clerks or other employees appointed under section 3.

(9) A council that establishes a committee under subsection (1) may

(a) by resolution approved by the minister levy, appropriate and expend money that may be required for emergency measures purposes;

(b) by resolution authorize the proper officers, on behalf of the council, to enter into contracts and to obtain and distribute equipment, materials and supplies for emergency measures purposes;

(c) provide for the health and safety of persons and property within the municipality and provide emergency assistance to victims of disaster;

(d) employ, with or without compensation, workers required in connection with the council's emergency measures; and

(e) utilize the council's employees, property or equipment for emergency measures purposes either within or outside the boundaries of the municipality.

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Proclamation of civil disaster or war emergency

7. The Lieutenant-Governor in Council may, by proclamation, declare that a state of civil disaster or a state of war emergency exists or has, for the purpose of this Act, ended in the province or in a part of the province and the proclamation is proof that the state of civil disaster or war emergency exists, has existed or has ended from the date of the proclamation or from an earlier or later date that may be stated in the proclamation.

RSN1970 c108 s8

PART II CIVIL DISASTER

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Powers of Lieutenant-Governor in Council

8. (1) On the proclamation of a state of civil disaster by the Lieutenant-Governor in Council, the Lieutenant-Governor in Council may do and authorize the doing of those acts and things and make those regulations that may be necessary to give effect to a civil disaster plan where the plan has been established or, where a plan has not been established, that may be necessary for the protection of persons and property from injury or loss arising from civil disaster or during a state of civil disaster and the powers of the Lieutenant-Governor in Council under this section extend within the province to

(a) transportation by land, air or water, the control of highways and vehicles and the regulation of travel in, into or out of a part of the province which is or may be affected by the civil disaster;

(b) the acquisition by purchase, lease or otherwise of goods, chattels or lands and the sale, lease, allocation or other disposition of those goods, chattels or lands;

(c) the relief of suffering, the restoration and distribution of essential supplies and the provision, maintenance and co-ordination of medical, welfare and other essential services in the province;

(d) the appointment of persons, boards or committees to perform those duties that may be specified by the Lieutenant-Governor in Council and fixing the remuneration of those persons or the members of those boards or committees;

(e) the delegation to a person, board or committee appointed under paragraph (d) of a power vested by this subsection in the Lieutenant-Governor in Council;

(f) the evacuation of persons and livestock and the removal of goods and chattels from an area in the province and arrangements for the adequate housing, feeding, care and protection of those persons and that livestock and for the care and protection of the goods and chattels;

(g) entry into or upon a house, building or other private property for a purpose relating to a state of civil disaster or for the welfare or safety of the civil population or for the purpose of exercising a power given under this section and the delegation to a council of the powers referred to in this paragraph;

(h) the demolition or removal of trees, buildings or other structures where the demolition or removal is necessary or desirable in order to reach the scene of a civil disaster or in an effort to combat or stay the progress of that disaster;

(i) ascertaining the requirements of the people of the province or of a part of the province for, and the procurement, control and distribution of and fixing the maximum prices which may be charged for, food, clothing, fuel or other necessities of life and essential supplies, medicines and equipment and the use and employment from time to time of the property, services, resources, supplies and equipment within the province for the purpose of this Act;

(j) the making of regulations that are considered necessary or advisable for the safety, health and welfare of the civil population; and

(k) authorizing the minister

(i) to employ or conscript persons for the purpose of carrying out this Act or the regulations, and

(ii) to conscript and to empower persons whose training and qualifications appear to the minister to be adequate to perform within the province medical, dental, nursing, pharmaceutical, optometrical, engineering or other professional services.

(2) Where a person, board or committee is appointed under paragraph (1)(e),

(a) the Lieutenant-Governor in Council may, by order, authorize that person, board or committee to incur expenditures for the purpose of discharging his, her or its duties up to an amount which may be fixed by the order and subject to the prior approval of the Minister of Finance;

(b) the person, board or committee may, subject to the approval of the Lieutenant-Governor in Council, appoint consultative committees consisting of those members of councils, municipal officials or other persons necessary for the purpose of effecting or facilitating adequate liaison with councils in the discharge of the duties of that person, board or committee;

(c) the Lieutenant-Governor in Council may authorize the person, board or committee to give general directions to the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police Force or other police force or police officer in the province respecting the duties to be performed by each of those forces or a police officer in connection with the carrying out of the provisions of this Act and may require each of those forces or a police officer to carry out, observe and perform the directions given; and

(d) the Lieutenant-Governor in Council may require that person, board or committee to establish and keep books and observe accounting methods and procedure that may be directed by the Comptroller General of Finance acting in consultation with the auditor general.

RSN1970 c108 s9; 1981 c79 s8

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Termination of state of civil disaster

9. The existence of a state of civil disaster shall continue until it has been ended by a proclamation of the Lieutenant-Governor in Council under section 7 or by an Act of the Legislature and upon the ending all regulations made under this Part shall cease to have effect unless it has been provided in those regulations that they shall cease to have effect at an earlier date.

RSN1970 c108 s10

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Powers of minister in local emergencies

10. (1) Where an emergency other than a war emergency arises in an area of the province which involves the risk of loss of life or property or which threatens the safety, welfare or well-being of some or all of the residents of that area and where it appears to the satisfaction of the minister that the emergency cannot be adequately handled by the municipal or other services existing within the area, the minister may immediately

(a) declare that a local disaster situation exists within the area;

(b) designate an officer to take charge of emergency operations within the area, to assess the situation and to report immediately to him or her regarding necessary measures to be taken to deal with the emergency;

(c) authorize the officer designated under paragraph (b) to control and co-ordinate the activities of all police, health, welfare, fire and other services in the area, either provincial or municipal, and to engage civilian personnel to assist these services; and

(d) authorize the officer to acquire, either by purchase or otherwise and to the extent that the minister may prescribe, supplies and equipment that are necessary to cope with the emergency or to protect the health and welfare of the victims of the disaster.

(2) The minister shall, as soon as possible after the declaration by him or her of a local disaster situation under paragraph (1)(a), inform the Lieutenant-Governor in Council of that declaration and report upon the action taken by him or her in connection with the declaration.

RSN1970 c108 s11

PART III WAR EMERGENCY

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Powers of Lieutenant-Governor in Council

11. (1) On the proclamation of a state of war emergency by the Lieutenant-Governor in Council, the Lieutenant-Governor in Council may do or authorize the doing of those acts and things and make regulations that he or she may, by reason of the existence of the state of war emergency, consider necessary or advisable for the peace, order and welfare of the province during the state of war emergency and the powers of the Lieutenant-Governor in Council under this section extend within the province to

- (a) the matters referred to in paragraphs 8(1)(a) to (i);
 - (b) the appropriation, control and disposition of property, real, personal and mixed, by whomever owned, and the use of that real or personal property;
 - (c) the making of orders
 - (i) requiring a person to evacuate his or her home, place of business or other building or place,
 - (ii) requiring a person to remove his or her livestock, goods or chattels from a building, place or area, and
 - (iii) forbidding a person to enter into or upon a building, structure, premises, lands or place
- and compelling obedience to that order and, in default of compliance with the order, causing persons, livestock, goods and chattels to be forcibly evacuated or removed as required by the order;
- (d) authorizing the minister for the purpose of carrying out the provisions of this Act or the regulations,
 - (i) to employ or require the assistance of a person between the ages of 18 and 60 years, except
 - (A) telegraphers,

- (B) despatchers,
- (C) persons employed in the control or direction of commercial aircraft flights,
- (D) persons employed as members of a commercial aircraft crew,
- (E) supervisory flight operations personnel of a commercial air service,
- (F) station handling personnel of a commercial air service, and
- (G) persons physically unfit,

(ii) to take possession of or use real or personal property without a prior agreement with the owner and without his or her consent and to retain it for a period which the Lieutenant-Governor in Council considers to be necessary, and

(iii) to conscript and to empower a person whose training and qualifications appear to him or her to be adequate to perform within the province medical, dental, nursing, pharmaceutical, optometrical, engineering or other professional services;

(e) facilitating the readjustment of industry and commerce to the requirements of the province in normal times;

(f) maintaining, controlling and regulating supplies, services and employment to ensure economic stability; and

(g) the billeting of persons in homes or buildings and requiring the owners or occupants of them to receive and accommodate the persons billeted.

(2) An order or regulation made under subsection (1) may be made with retroactive effect to the date which is given in that order or regulation.

(3) Where under subsection (1) an appointment is made in the manner provided by paragraph 8(1)(d), subsection 8(2) applies to that appointment.

RSN1970 c108 c12

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Termination of effect of orders and regulations

12. An order or regulation made under this Part ceases to have effect on the termination of the state of war emergency unless, under subsection 11(2), it ceases to have effect at an earlier date.

RSN1970 c108 s13

PART IV DELEGATION OF AUTHORITY

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Lieutenant-Governor in Council may suspend or amend Acts

13. (1) During a period of civil disaster or war emergency declared by proclamation of the Lieutenant-Governor in Council, the Lieutenant-Governor in Council may, where he or she considers that conditions render it impossible or contrary to the public interest to await the convening of the Legislature, by order, suspend the operation, either in whole or in part, or amend an Act of the Legislature, either in respect of the whole of the province or in respect of a part of the province.

(2) An order made by the Lieutenant-Governor in Council under subsection (1) has effect only until the expiration of the period of civil disaster or war emergency or until the Legislature can be convened, whichever is the earlier.

RSN1970 c108 s14

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Power in senior minister

14. (1) The powers vested in the Lieutenant-Governor in Council by an Act of the Legislature may, during a period of civil disaster or war emergency declared by proclamation of the Lieutenant-Governor in Council, be exercised by members of the Executive Council who are available and the senior available member of the Executive Council shall act as the presiding officer.

(2) In the event that all members of the Executive Council are unavailable, the powers referred to in subsection (1) may be exercised by a committee comprising the deputy ministers, who may be available, and the senior deputy minister shall act as the presiding officer of the committee and for the purposes of this subsection seniority shall be determined in accordance with a list which shall be prescribed by order of the Lieutenant-Governor in Council.

(3) In the event that all members of the Executive Council and all deputy ministers are unavailable, the powers vested in the Lieutenant-Governor in Council by an Act of the Legislature may be exercised by a committee comprising senior departmental emergency interim successors, who may be available, and for the purposes of this subsection seniority within departments shall be determined in accordance with a list which shall be prescribed by order of the Lieutenant-Governor in Council in accordance with section 15.

(4) The members of the committee referred to in subsection (3) shall by majority vote appoint 1 of their members to act as chairperson.

RSN1970 c108 s15

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Designation of emergency interim successors

15. (1) The Lieutenant-Governor in Council may by order and in respect of each department designate by title emergency interim successors to act in place of the deputy minister of that

department during periods of civil disaster or war emergency and may specify their order of seniority.

(2) The number of emergency interim successors designated under subsection (1) shall be not less than 2 and not more than 6 in respect of each deputy minister.

(3) The senior available emergency interim successor in a department shall, where his or her deputy minister is unavailable, during a period of civil disaster or war emergency, perform the duties and exercise the powers of the deputy minister as provided by an Act of the Legislature until the time when the deputy minister becomes available to exercise or resume the exercise of the powers and discharge the duties of his or her office or until the time when the Lieutenant-Governor in Council by order appoints some other officer to act in place of the deputy minister.

(4) In this section "department" includes a board, commission or similar body the members of which are appointed by the Lieutenant-Governor in Council and "deputy minister" includes the chairperson of that board, commission or similar body.

(5) Every minister shall compile a list of the senior officers in his or her department below the rank of deputy minister and, in respect of each of those senior officers, shall designate 1 or more alternate officers to act in his or her stead in the event that he or she is unavailable during a period of civil disaster or war emergency and shall specify the order of succession of those alternate officers in those circumstances.

(6) When a senior officer of a department is unavailable, his or her duties shall be discharged and all powers vested in him or her by an Act of the Legislature exercised by whichever of his or her alternate officers designated under subsection (5) is available and where more than 1 of these alternate officers is available, the highest ranking according to the order of succession specified shall act.

RSN1970 c108 s16

PART V GENERAL

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Agreement for training auxiliary police

16. (1) The Attorney General may, on behalf of the Crown in right of the province, make agreements with the Crown in right of Canada or of another province or of an agency of either for the training of persons to form an auxiliary police force.

(2) The Attorney General may appoint persons who shall constitute an auxiliary police force to be auxiliary to the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police Force stationed in the province.

(3) Where the Lieutenant-Governor in Council declares that a state of civil disaster or a state of war emergency exists each member of the auxiliary police appointed under subsection (2) becomes a peace officer and has authority to act as a member of the Royal Newfoundland Constabulary or of the Royal Canadian Mounted Police Force.

(4) For the purpose of this Act and the regulations, each member of the auxiliary police appointed under subsection (2) has and may exercise, while performing his or her duties under an auxiliary police training program, the authority of a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police Force, but that authority is to be exercised only under the direction and authorization of the Chief of Police or of the officer commanding the Royal Canadian Mounted Police in the province.

(5) Subject to sections 33 and 34 of the National Defence Act (Canada), where the Lieutenant-Governor in Council declares that a state of civil disaster or a state of war emergency exists no member of the Royal Newfoundland Constabulary or of an auxiliary police force appointed under subsection (2) shall resign without the consent of the Attorney General.

(6) Where the Lieutenant-Governor in Council declares that a state of civil disaster or a state of war emergency exists the Attorney General may on behalf of the Crown in right of the province make agreements with the Crown in right of Canada or of another province or an agency of either for the provision of additional police service and, upon the agreement being made, all persons to whom the agreement relates have the same authority as a member of the Royal Newfoundland Constabulary.

(7) The Lieutenant-Governor in Council may order that on the proclamation of a state of civil disaster or of a state of war emergency the Royal Newfoundland Constabulary or the municipal police of municipalities or both shall be in the charge and under the control and direction of the officer commanding the Royal Canadian Mounted Police Force in the province under an arrangement made under the Agreement for Policing the Province Act.

(8) The members of an auxiliary police force appointed under subsection (2) who are

(a) appointed to be auxiliary to the Royal Newfoundland Constabulary are, unless the Lieutenant-Governor in Council otherwise orders, under the control and in the charge of the Chief of Police under the Royal Newfoundland Constabulary Act; or

(b) appointed to be auxiliary to the Royal Canadian Mounted Police Force are under the control and in the charge of the officer commanding the Royal Canadian Mounted Police Force in the province under an arrangement made under the Agreement for Policing the Province Act,

and are subject to the rules and regulations of the force to which they are auxiliary or to those rules and regulations which the Chief of Police or officer commanding considers appropriate.

RSN1970 c108 s17; 1973 No48 s4; 1974 No117 s2; 1981 c79 s8; 1987 c21 s2

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Statutes and Subordinate Legislation Act

17. Notwithstanding the Statutes and Subordinate Legislation Act, an order or regulation made under this Act

(a) shall come into force immediately on the signing by the Lieutenant-Governor or by the person who makes it, unless some other time is stated as being the time when it shall come or be considered to have come into force; and

(b) shall be valid and have effect against a person before the publication, where publication is required, and notwithstanding that the person has not had actual notice of the order or regulation.

RSN1970 c108 s18

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Regulations

18. (1) The Lieutenant-Governor in Council may make regulations which are necessary to give effect to the provisions of this Act.

(2) A person who is acting or purporting to act under a power or authority given by or delegated under this Act shall not in acting be restrained by or be subject to proceedings by way of injunction, mandamus, prohibition or certiorari.

(3) A person who is acting in good faith and in a reasonable manner in doing an act that he or she is required or authorized to do under this Act or the regulations is not liable in respect of damage caused to another person by reason of an action taken under this Act or the regulations or by reason of interference with his or her rights or by reason of negligence in the doing of the act.

(4) Nothing in this Act prevents a judge of the Trial Division in a civil action or in an action for a declaratory judgment or order

(a) making inquiry as to

(i) whether a regulation or order made by a person and purporting to be made under this Act is authorized and was within the jurisdiction of the person making it, or

(ii) whether an act done by a person and purporting to be done under this Act is authorized by this Act and was lawfully done by the person doing it; or

(b) declaring, where the judge finds it to be the case, that the regulations or order made or the act done was, in whole or in part, beyond the jurisdiction or authority of the person making or doing it or was otherwise wholly or partly invalid or unlawful.

RSN1970 c108 s19; 1986 c42 Sch A

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Authority for surveys, training schools, etc.

19. The Lieutenant-Governor in Council may authorize and arrange for

(a) the making of surveys of the industries, resources and facilities within the province that are necessary to carry out the purposes of this Act; and

(b) the establishment of training schools or courses and the institution of training programs and public information programs and the taking of all other preparatory steps, including

the partial or full mobilization of emergency measures or other organizations in advance of actual necessity for the purpose of instructing persons in methods and procedures that may be adopted or followed in order better to ensure the carrying out of the purposes and objects of this Act or measures taken under this Act and to ensure the furnishing of adequately trained and equipped personnel in time of need.

RSN1970 c108 s20

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Agreements

20. (1) The Lieutenant-Governor in Council may by order authorize a member of the Executive Council to enter, on behalf of the Crown in right of the province, into an agreement with

- (a) the Crown in right of Canada or of another province;
 - (b) a municipality;
 - (c) a state of the United States of America that is a signatory to the assistance agreement;
- or
- (d) a person,

to carry out and further the purposes and objects of this Act.

(2) The Crown in right of the province, where authorized by order of the Lieutenant-Governor in Council, may, represented by a member of the Executive Council designated in the order,

(a) enter into an agreement with the Crown in right of Canada , in a form approved in the order, for the provision of compensation for injuries suffered by, or the death of, persons who

(i) are engaged in work or measures related to, or in furtherance of, emergency measures or in training for that work or those measures, and

(ii) suffer injury or death by accident arising out of, and in the course of, that work or these measures,

or to those persons who are specified in the agreement; and

(b) enter into further agreements with the Crown in right of Canada to alter or amend an agreement made under paragraph (a) or to revoke it and substitute other provisions in their place.

(3) Where, under an agreement made, or made and amended, under subsection (2) compensation is required to be provided in respect of injuries suffered by, or the death of, a person, the Minister of Finance may pay the compensation out of the Consolidated Revenue Fund.

RSN1970 c108 s21; 2004 c11 s2

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Application of assistance agreement

20.1 (1) Where a party to the assistance agreement requests assistance made necessary because of a natural disaster, technological hazard, human caused disaster or civil emergency or for another reason permitted by that agreement, the Crown shall, in accordance with the assistance agreement, provide or accept the requested assistance and for that purpose may

(a) recognize, within the province, the professional qualifications of a person from outside the province without requiring the licensing or certification of that person under the laws of the province; and

(b) lend and borrow equipment and personnel for the purpose of the requested assistance.

(2) For the purpose of the implementation of a request that may be made under the assistance agreement the Crown may, at any time,

(a) plan emergency measures exercises with another party to the assistance agreement including personnel training, equipment and procedures testing and simulated emergency measures activities; and

(b) inventory and agree upon procedures for interjurisdictional loans and delivery of human and material resources and the manner of payment or forgoing of payment for those resources.

2004 c11 s3

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Expenditures

21. (1) Expenditures made under the authority of this Act or the regulations for the purposes of exercising powers conferred or discharging duties imposed by this Act or the regulations and within the scope of the authority granted by this Act or the regulations but subject to those limitations that are imposed by this Act or the regulations and subject to approval by the Lieutenant-Governor in Council shall, without further legislative authority than this section, be a charge on and shall be paid by the Minister of Finance from the Consolidated Revenue Fund.

(2) Where, under this Act, expenditures are made within or for the benefit of a municipality, the municipality shall, where required by order of the Lieutenant-Governor in Council, repay to the Minister of Finance the amount or a portion of the amount that may be specified in the order at times and on the terms as to the payment of interest and otherwise that the order may require.

RSN1970 c108 s22

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This Act to prevail

22. (1) Where a provision of this Act or the regulations conflicts with a provision of another Act or regulations the provision of this Act or of regulations made under this Act shall prevail.

(2) Notwithstanding subsection (1), this Act and regulations made under this Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement Act and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the Labrador Inuit Land Claims Agreement Act, the provision, term or condition of the Labrador Inuit Land Claims Agreement Act shall have precedence over the provision of this Act or a regulation made under this Act.

RSN1970 c108 s23; 2004 cL-3.1 s26

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Interference forbidden

23. A person shall not interfere with or obstruct another person in the exercise of a power or the performance of a duty conferred or imposed by this Act or the regulations.

RSN1970 c108 s24

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Offence

24. A person who contravenes or who neglects, omits, fails or refuses to observe a provision of this Act or of the regulations is guilty of an offence and liable, on summary conviction, to a fine of not more than \$500 or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment.

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