



scəwáθən məsteyəx^w

TSAWWASSEN FIRST NATION

2020

EMERGENCY MANAGEMENT ACT

Date Enacted: 17 November 2020

This version of the Act is not the official version, and is for informational purposes only. Persons who need to rely on the text of the Act for legal or other purposes may access the official version held in the TFN Laws Registry by contacting the TFN Administration Office at (604) 943-2112.

Table of Legislative Changes

Name of Act	Bill Number	Date Enacted	Section(s) Amended	Comes Into Force Date

Tsawwassen First Nation

2020

EMERGENCY MANAGEMENT ACT

Contents

PART 1 – INTRODUCTORY PROVISIONS

- 1 Citation
- 2 Definitions

PART 2 - ADMINISTRATION

- 3 Creation of emergency program
- 4 Role of Executive Council
- 5 Role of the chief
- 6 Role of the chief administrative officer

PART 3 – PREPAREDNESS, RESPONSE AND RECOVERY

- 7 Emergency Plan
- 8 Tsawwassen emergency declaration
- 9 Emergency operations centre
- 10 Response measures
- 11 Mandatory assistance
- 12 Compensation for loss
- 13 Recovery of costs

PART 4 – GENERAL PROVISIONS

- 14 Regulations
- 15 Offence
- 16 Penalties
- 17 Commencement

The Legislature of Tsawwassen First Nation enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

Citation

- 1 This Act may be cited as the *Emergency Management Act*

Definitions

- 2 In this Act:

“**chief**” means the person elected as chief of Tsawwassen First Nation under the *Election Act* or the person appointed as acting chief under the *Government Organization Act*;

“**chief administrative officer**” means the person appointed to that position under the *Government Organization Act*;

“**disaster**” means an event that

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

“**emergency**” means a present or imminent event, including an environmental emergency, that

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

“**emergency plan**” means the plan approved by Executive Council under section 7, as amended from time to time;

“**Emergency Program Act (BC)**” means the *Emergency Program Act*, RSBC 1996, c111, as amended, and includes and successor legislation;

“**environment**” means the components of the earth and includes:

- (a) air, land, and water;
- (b) all layers of the atmosphere; and

(c) all organic and inorganic matter and living organisms;

“environmental emergency” means an uncontrolled, unplanned, or accidental release, or release in contravention of laws or regulations, of a substance into the environment, or the reasonable likelihood of such a release into the environment, that:

- (a) has or may have an immediate or long term harmful effect on the environment;
- (b) constitutes or may constitute a danger to the environment on which human life depends; or
- (c) constitutes or may constitute a danger in Canada to human life or health;

“Executive Council” means Executive Council established by the Government Organization Act;

“final agreement” means the Tsawwassen First Nation Final Agreement among Tsawwassen First Nation, Her Majesty the Queen in right of Canada and Her Majesty the Queen in right of British Columbia, and includes amendments to that agreement made in accordance with it;

“health hazard” means

- (a) a condition, a thing or an activity that
 - (i) endangers, or is likely to endanger, public health, or
 - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
 - (i) is associated with injury or illness, or
 - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

“Tsawwassen emergency declaration” means a declaration of a state of local emergency made under subsection 5(a);

“named person” means a person named in a demand under section 13;

“Tsawwassen emergency operations centre” means a centre established under section 9;

“Tsawwassen emergency program” means the program established under this Act;

“Tsawwassen Government” means the government of Tsawwassen First Nation as referred to in clause 2 of Chapter 16 [Governance] of the final agreement;

“**Tsawwassen Lands**” means the lands set out in Appendix C-4 of the final agreement as Tsawwassen Lands, as amended from time to time under that agreement

PART 2 – ADMINISTRATION

Creation of emergency program

3 The emergency program of Tsawwassen First Nation is hereby established

Role of the Executive Council

- 4** (1) Executive Council, or their delegate, may
- (a) enter into agreements on behalf of Tsawwassen First Nation to facilitate implementation of the Tsawwassen emergency program; and
 - (b) exercise any emergency powers available to Tsawwassen First Nation under federal or provincial law, including the *Emergency Program Act (BC)*.
- (2) Executive Council may delegate, in writing, the performance of any of Executive Council’s duties or the exercise of any of Executive Council’s powers under this Act to
- (a) a committee established by Executive Council under the Government Organization Act, or
 - (b) an independent contractor or employee of Tsawwassen First Nation.
- (3) Despite subsection (2), Executive Council must not delegate its power to enact a regulation under this Act

Role of the chief

- 5** The chief may
- (a) where necessary or advisable, make, extend or cancel a declaration of a state of local emergency on Tsawwassen Lands, provided that the chief must, before making such a declaration, make every effort to obtain the consent of the other members of Executive Council; and
 - (b) where it is not possible to assemble a quorum of Executive Council, and provided the chief has made every effort to obtain the consent of the other members of Executive Council, authorize or direct one or more response measures authorized under section 10 while a Tsawwassen emergency declaration is in effect,

Role of the chief administrative officer

- 6** The chief administrative officer may
- (a) appoint an emergency program coordinator and specify their responsibilities

- (b) appoint the director of any Tsawwassen emergency operations centre; and
- (c) perform any other duties delegated or assigned by Executive Council under this Act

PART 3 – PREPAREDNESS, RESPONSE AND RECOVERY

Emergency Plan

- 7 (1) Within one year of the coming into force of this Act, Executive Council must approve a plan respecting preparation for, response to and recovery from an emergency or disaster on Tsawwassen Lands
- (2) Executive Council may, from time to time, amend the emergency plan

Tsawwassen emergency declaration

- 8 A Tsawwassen emergency declaration must
 - (a) be made, renewed, or cancelled by the chief, and
 - (b) otherwise comply with the requirements set out in the *Emergency Program Act (BC)*.

Emergency operations centre

- 9 If a Tsawwassen emergency declaration has been made or if otherwise directed by Executive Council, the chief administrative officer may establish and maintain an emergency operations centre at a location specified in the declaration or direction or, if no location is specified, at a location approved by the chief

Response measures

- 10 While a Tsawwassen emergency declaration is in effect, Executive Council may do all acts and implement all procedures that it considers necessary or advisable to prevent, respond to or alleviate the effects of an emergency, health hazard, environmental emergency or disaster, including any or all of the response measures which may be implemented by a local authority under the *Emergency Program Act (BC)*.

Mandatory assistance

- 11 If Executive Council under section 5 or the chief under section 5 makes an Order requiring a person to provide assistance, the person named in the Order must provide the assistance required in the Order.

Compensation for loss

- 12 If a person suffers a loss as a result of any action taken by or under direction of Executive Council, the chief, or the chief administrative officer under this Act, the

Tsawwassen Government may compensate that person for all or part of the loss in accordance with the *Emergency Program Act (BC)*.

Recovery of costs

- 13** (1) If an emergency, health hazard or a disaster is threatened or caused in whole or in part by the acts or omissions of a person and expenditures are made by Tsawwassen First Nation to prevent, respond to or alleviate the effects of the emergency, health hazard or disaster,
- (a) the chief may deliver a demand to that person requiring them to pay to Tsawwassen First Nation the portion of Tsawwassen First Nation's expenditures attributable to their acts or omissions, and
 - (b) that person must pay to Tsawwassen First Nation the amount specified in the demand within the time specified in the demand
- (2) A demand under subsection 13 (1) must
- (a) describe the named person's acts or omissions that person must pay to Tsawwassen First Nation the amount specified in the demand within the time specified in the demand,
 - (b) provide a breakdown of the portion of Tsawwassen First Nation's expenditures attributable to the named person's acts or omissions, and
 - (c) specify the date by which the amount demanded must be paid
- (3) No later than 14 days after receipt of a demand under subsection 13(1), the named person may request a review of the demand by Judicial Council.
- (4) An amount demanded under subsection 13(1) is a debt owing by the named person to Tsawwassen First Nation and may be collected by the Tsawwassen Government.
- (5) Nothing in subsection 13(1) relieves a person from any other liability

PART 4 – GENERAL PROVISIONS

Regulations

- 14** (1) Executive Council may make regulations which it considers necessary or advisable for the purposes of this Act.
- (2) Without limiting subsection 14(1), Executive Council may make regulations respecting
- (a) implementation of the emergency plan,
 - (b) the establishment or operation of any Tsawwassen emergency operations centre, or
 - (c) the establishment or implementation of a disaster financial assistance fund for Tsawwassen Members.

Offence

- 15** A person who
- (a) contravenes this Act or the regulations, or
 - (b) interferes with or obstructs any person in the exercise of any power or the performance of any duty conferred or imposed under this Act
- commits an offence which may be enforced by a ticket under the *Laws Enforcement Act* or by a prosecution under the *Offence Act* (British Columbia).

Penalties

- 16** Executive Council may, by regulation, establish penalties for contraventions of this Act or the regulations.

Commencement

- 17** This Act comes into force on the date it is enacted.