

CONSOLIDATION OF EMERGENCY MEASURES ACT

S.Nu. 2007,c.10

In force November 8, 2007, except s.5-9

s.5-9 NIF

(Current to: August 24, 2010)

The following provisions have been deleted for the purposes of this codification:
s.37 to 39 (Consequential Amendments)

AS AMENDED BY:

S.Nu. 2010,c.14,s.5

s.5 in force June 10, 2010

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

TABLE OF CONTENTS**INTERPRETATION**

Definitions	1	(1)
Extended meaning of municipal corporation and municipal council		(2)
Deemed municipal corporation and municipal council		(3)
Conflict with another Act	2	

GOVERNMENT OF NUNAVUT

Government bound by Act	3	
-------------------------	---	--

EMERGENCY MANAGEMENT

Powers of Minister	4	(1)
Limit on delegation		(2)

EMERGENCY MANAGEMENT PROGRAMS

Emergency management program - government institution	5	(1) NIF
Content of emergency management program		(2) NIF
Report		(3) NIF
Emergency management program - municipal council	6	(1) NIF
Content of emergency management program		(2) NIF
Report		(3) NIF
Emergency management program - enterprise	7	(1) NIF
Content of emergency management program		(2) NIF
Report		(3) NIF
Minister may act on behalf of municipal council	8	NIF
Public access to emergency management program	9	(1) NIF
Exception for government institution		(2) NIF
Exception for municipal corporation		(3) NIF

**IMPLEMENTATION OF EMERGENCY
MANAGEMENT PROGRAMS**

Implementation of emergency management program	10	(1)
Activities outside community		(2)

DECLARATION OF STATE OF EMERGENCY

State of emergency	11	(1)
Contents of declaration		(2)
Publication		(3)

Duration		(4)
Extension		(5)
Declaration not statutory instrument		(6)
<i>Nunavut Gazette</i>		(7)
Factors for declaration	12	
Powers of Minister	13	
Role of Emergency Management Officer	14	
Termination of state of emergency	15	(1)
Publication		(2)
<i>Nunavut Gazette</i>		(3)

DECLARATION OF A STATE OF LOCAL EMERGENCY

State of local emergency	16	(1)
Contents of declaration		(2)
Publication		(3)
Duration		(4)
Extension		(5)
Forwarding declaration to Minister	17	(1)
Cancellation		(2)
Effect of declaration by Minister		(3)
Powers of municipal corporation	18	(1)
Authorization		(2)
Payment of expenses		(3)
Approval of by-law		(4)
Termination of declaration	19	(1)
Publication		(2)

ADMINISTRATION

Emergency Management Officer	20	(1)
Duties		(2)
Assistance to Emergency Management Officer	21	
Municipal emergency management coordinator	22	(1)
Duties and powers		(2)
Emergency measures organization		(3)
Committees	23	(1)
Remuneration		(2)

COMPENSATION

Compensation for loss required	24	(1)
Compensation for loss discretionary		(2)
Compensation for loss by municipal corporation required	25	(1)

Compensation for loss by municipal corporation discretionary		(2)
Reimbursement		(3)
Dispute	26	

GENERAL

Absence from employment	27	
Entry without warrant	28	
No judicial review	29	
Exclusion of liability	30	
Search and rescue	31	(1)
Search and rescue outside municipality or settlement		(2)
Annual report	32	

OFFENCES AND PUNISHMENT

Offences	33	(1)
Punishment		(2)
Continuing offence	34	

REGULATIONS

Regulations	35	(1)
Adoption of code of rules or standards		(2)
Amendment of code		(3)

TRANSITIONAL

Emergency Management Officer	36	(1)
Municipal emergency management coordinator		(2)
Deleted	37	
Deleted	38	
Deleted	39	

REPEAL

<i>Civil Emergency Measures Act</i>	40	
-------------------------------------	----	--

COMING INTO FORCE

Coming into force	41	(1)
Exception		(2)

EMERGENCY MEASURES ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"declaration of a state of emergency" means a declaration made under subsection 11(1); (*proclamation de l'état d'urgence*)

"declaration of a state of local emergency" means a declaration made under subsection 16(1); (*proclamation de l'état d'urgence local*)

"emergency" means a present or imminent situation or event that is seriously affecting or could seriously affect the health, safety or welfare of persons or is substantially damaging or could substantially damage property; (*urgence*)

"Emergency Management Officer" means the Emergency Management Officer appointed under subsection 20(1); (*responsable de la gestion des urgences*)

"emergency management program" means a program, plan, arrangement or other measure for the following:

- (a) mitigation of hazards that may cause emergencies,
- (b) prevention of emergencies,
- (c) preparedness for emergencies,
- (d) response to emergencies,
- (e) mitigation of the effects of emergencies,
- (f) recovery from emergencies; (*programme de gestion des urgences*)

"government institution" means a department of the Government of Nunavut and a public agency, within the meaning of the *Financial Administration Act*; (*institution gouvernementale*)

"municipal emergency management coordinator" means a municipal emergency management coordinator designated under subsection 22(1). (*coordonnateur municipal de la gestion des urgences*)

Extended meaning of municipal corporation and municipal council

(2) For the purposes of this Act, references to a municipal corporation are deemed to include references to a settlement corporation and references to a municipal council are deemed to include references to the council of a settlement corporation.

Deemed municipal corporation and municipal council

(3) For the purposes of this Act, where a community or settlement is not a municipal corporation, the Minister may designate a body as representative of the community or settlement and that body is deemed to be a municipal corporation and municipal council.

Conflict with another Act

2. Despite the provisions of any other Act, where a state of emergency or state of local emergency is declared and a provision of this Act or the regulations is inconsistent or in conflict with any other Act or regulation, the provisions of this Act or the regulations prevail during the period that the declaration and any extension of that declaration is in effect, unless the declaration provides otherwise.

GOVERNMENT OF NUNAVUT

Government bound by Act

3. This Act binds the Government of Nunavut.

EMERGENCY MANAGEMENT

Powers of Minister

- 4.** (1) The Minister may
- (a) establish policies, criteria and other measures respecting
 - (i) the preparation and maintenance of emergency management programs, and
 - (ii) the testing and implementation of emergency management programs;
 - (b) review emergency management programs prepared by government institutions, municipal councils and enterprises, and, where the Minister considers it necessary, require modification in those programs;
 - (c) establish and conduct training and training exercises for the effective implementation of emergency management programs;
 - (d) require any person, who is creating a hazard that may cause an emergency or whose property constitutes or contains a hazard that may cause an emergency, to remedy or reduce the hazard;
 - (e) conduct surveys and studies to identify and record actual or potential hazards that may cause an emergency;
 - (f) conduct surveys and studies of resources and facilities to maintain and provide the information necessary for effective preparation of emergency management programs;
 - (g) promote a common approach to emergency management, including the adoption of standards and best practices;
 - (h) provide any assistance, other than financial assistance, requested by a municipal council;
 - (i) enter into agreements with and make payments or grants to persons or organizations for the provision of services in the development or implementation of emergency management programs;
 - (j) make payments and grants, subject to any terms that the Minister may impose, to a municipal corporation for the purposes of assisting in hazard mitigation and emergency prevention, preparedness, response and recovery;

- (k) enter into agreements with the Government of Canada, the government of a province or territory or an agency of one of those governments respecting emergency management;
- (l) conduct public information programs relating to emergency preparedness and recommend measures to prevent emergencies;
- (m) conduct research related to emergency management; and
- (n) facilitate the authorized sharing of information in order to enhance emergency management.

Limit on delegation

(2) The Minister shall personally exercise the following powers:

- (a) declaring a state of emergency;
- (b) cancelling a declaration of a state of emergency;
- (c) cancelling a declaration of a state of local emergency.

EMERGENCY MANAGEMENT PROGRAMS

Note: This section is not in force until an order of the Commissioner is made under section 41.

Emergency management program - government institution

5. (1) Every government institution shall identify the risks that are within or related to its area of responsibility and do the following in accordance with the policies, criteria and other measures established by the Minister:

- (a) prepare an emergency management program in respect of those risks;
- (b) maintain, test and implement the program;
- (c) conduct exercises and training in relation to the program.

Content of emergency management program

(2) A government institution shall include in an emergency management program

- (a) any program, arrangement or other measure to provide for the continuity of the operations of the government institution in the event of an emergency;
- (b) any program, arrangement or other measure it considers necessary to assist a municipal corporation in the event of an emergency; and
- (c) any other information required by the Minister.

Report

(3) Every government institution shall send to the Minister, within 120 days after the end of each year, a report on the status of its emergency management program that contains the prescribed information.

Note: This section is not in force until an order of the Commissioner is made under section 41.

Emergency management program - municipal council

- 6.** (1) Every municipal council shall
- (a) identify
 - (i) the risks of an emergency occurring in the community,
 - (ii) the risks to the community that may be caused by an emergency, and
 - (iii) in the case of a body designated under subsection 1(3), the risks to a neighbouring community that may be caused by an emergency; and
 - (b) do the following in accordance with the policies, criteria and other measures established by the Minister:
 - (i) prepare an emergency management program in respect of those risks,
 - (ii) maintain, test and implement the program,
 - (iii) conduct exercises and training in relation to the program.

Content of emergency management program

- (2) A municipal council shall include in an emergency management program
- (a) any program, arrangement or other measure to provide for the continuity of the operations of the municipal corporation in the event of an emergency; and
 - (b) any other information required by the Minister.

Report

(3) Every municipal council shall send to the Minister, within 120 days after the end of each year, a report on the status of its emergency management program that contains the prescribed information.

Note: This section is not in force until an order of the Commissioner is made under section 41.

Emergency management program - enterprise

- 7.** (1) The Minister may require a prescribed enterprise to
- (a) identify
 - (i) the risks of an emergency occurring in the community in which it is situated,
 - (ii) the risks to the community, the environment and persons that may be caused by its operations, and
 - (iii) in the case of an enterprise which is situated outside a municipal corporation, the risks to a neighbouring community that may be caused by its operations; and
 - (b) do the following in accordance with the policies, criteria and other measures established by the Minister:
 - (i) prepare an emergency management program in respect of those risks,
 - (ii) maintain, test and implement the program,

- (iii) conduct exercises and training in relation to the program.

Content of emergency management program

- (2) The enterprise shall include in an emergency management program
 - (a) any program, arrangement or other measure to provide for the continuity or cessation of its operations in the event of an emergency;
 - (b) any program, arrangement or other measure to provide for the evacuation of persons in the event of an emergency; and
 - (c) any other information required by the Minister.

Report

(3) The enterprise shall send to the Minister, within 120 days after the end of each year, a report on the status of its emergency management program that contains the prescribed information.

Note: This section is not in force until an order of the Commissioner is made under section 41.

Minister may act on behalf of municipal council

8. If a municipal council does not prepare an emergency management program or does not prepare an emergency management program satisfactory to the Minister, the Minister may cause an emergency management program to be prepared for the purposes of subsection 6(1).

Note: This section is not in force until an order of the Commissioner is made under section 41.

Public access to emergency management program

9. (1) An emergency management program prepared under subsection 5(1) or 6(1) shall be made available to the public for inspection during ordinary business hours at an office of the government institution or municipal corporation.

Exception for government institution

(2) Despite subsection (1) and the *Access to Information and Protection of Privacy Act*, the head of a government institution may refuse to make available to the public any information in an emergency management program

- (a) that concerns the vulnerability of the government institution's buildings or other structures, networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems; and
- (b) the disclosure of which could reasonably be expected to be injurious to the security of those buildings, structures, networks or systems.

Exception for municipal corporation

(3) Despite subsection (1), a municipal corporation may refuse to make available to the public any information in an emergency management program if the criteria set out in subsection (2) are satisfied in respect of the municipal corporation's buildings or other structures, networks or systems.

IMPLEMENTATION OF EMERGENCY MANAGEMENT PROGRAMS

Implementation of emergency management program

10. (1) A government institution or municipal corporation may implement all or part of an emergency management program to prevent or respond to an emergency without a declaration of a state of emergency or state of local emergency.

Activities outside community

(2) In implementing its emergency management program, a municipal corporation may, with the approval of the Minister, act outside the boundaries of the community.

DECLARATION OF STATE OF EMERGENCY

State of emergency

11. (1) If the Minister is satisfied that an emergency exists or may exist, the Minister may, in writing, declare a state of emergency in all or part of Nunavut.

Contents of declaration

(2) A declaration of a state of emergency must identify the nature of the emergency and the area of Nunavut in which it exists.

Publication

(3) Immediately after declaring a state of emergency, the Minister shall cause the details of the declaration to be published in the manner that the Minister considers is most likely to make the contents of the declaration known to the majority of the population of the area affected.

Duration

(4) A declaration of a state of emergency expires 14 days after it is made, unless it is sooner extended or terminated.

Extension

(5) The Minister may, in accordance with subsections (1) and (2), extend a declaration of a state of emergency for further periods of up to 14 days each.

Declaration not statutory instrument

(6) A declaration of a state of emergency is not a statutory instrument.

Nunavut Gazette

(7) The Minister shall cause notice of a declaration of a state of emergency to be published in the *Nunavut Gazette*.

Factors for declaration

12. In determining that an emergency exists or may exist, the Minister must be satisfied that all the following factors are met:

- (a) the situation or event requires immediate action to prevent or reduce serious harm to persons or substantial damage to property;
- (b) the resources ordinarily available to the Government of Nunavut
 - (i) cannot be relied on without the risk of serious delay,
 - (ii) cannot be relied on without impairing the ability of the Government of Nunavut to prevent or respond to another emergency, or
 - (iii) would be insufficient to effectively address the situation or event;
- (c) declaring a state of emergency will prevent or reduce the serious harm to persons or substantial damage to property.

Powers of Minister

13. On declaring a state of emergency, the Minister may, for the duration of the declaration, do any act and take any measure the Minister considers necessary, including any of or all the following:

- (a) implement an emergency management program;
- (b) authorize or require a municipal corporation to implement an emergency management program for the community;
- (c) acquire or use real or personal property, whether private or public, that the Minister considers necessary or appropriate to prevent or respond to an emergency or mitigate the effects of an emergency;
- (d) construct works that the Minister considers necessary or appropriate to prevent or respond to an emergency or mitigate the effects of an emergency;
- (e) authorize or require a qualified person to render assistance of the type that the person is qualified to provide;
- (f) control or prohibit travel in, to or from any area in Nunavut;
- (g) provide for the restoration of essential facilities and the distribution of essential supplies;
- (h) provide, maintain and co-ordinate emergency medical, social and other essential services in any area of Nunavut;
- (i) cause the evacuation of persons and the removal of personal property from any area in Nunavut that is or may be affected by an emergency, and make arrangements for the adequate care and protection of those persons or that property;
- (j) close any building, enterprise, facility or establishment and direct it to cease operations for a specified period;
- (k) cause the demolition or removal of vegetation, structures, equipment or vehicles that the Minister considers necessary or appropriate to reach the scene of an emergency or to attempt to prevent or respond to an emergency or mitigate the effects of an emergency;
- (l) procure and distribute food, clothing, fuel, equipment, medical supplies or other essential goods;

- (m) fix prices for essential goods and services and prohibit the charging of unconscionable prices;
- (n) procure and allocate the use of property, goods or services in any area of Nunavut;
- (o) authorize the conscription of persons needed to prevent or respond to an emergency or mitigate the effects of an emergency.

Role of Emergency Management Officer

14. If a state of emergency is declared,

- (a) the Emergency Management Officer, subject to the control and direction of the Minister, is responsible for the coordination and implementation of emergency management programs prepared under this Act; and
- (b) all persons, government institutions, municipal corporations and organizations involved in the implementation of the programs are subject to the control and direction of the Emergency Management Officer.

Termination of state of emergency

15. (1) If, in the opinion of the Minister, an emergency no longer exists in an area for which a declaration of a state of emergency was made, the Minister shall, in writing, terminate the declaration of a state of emergency in respect of that area.

Publication

(2) Immediately after a declaration of a state of emergency expires under subsection 11(4) or is terminated under subsection (1), the Minister shall cause the fact of the expiration or the details of the termination to be published in the manner that the Minister considers is most likely to make the fact of the expiration or the details of the termination known to the majority of the population of the area affected.

Nunavut Gazette

(3) The Minister shall cause notice of the fact of the expiration, or the details of the termination of a declaration of a state of emergency to be published in the *Nunavut Gazette*.

DECLARATION OF A STATE OF LOCAL EMERGENCY

State of local emergency

16. (1) If a municipal council is satisfied that an emergency exists or may exist within the community, the municipal council may, by resolution, declare a state of local emergency to exist in all or part of the community.

Contents of declaration

(2) A declaration of a state of local emergency must identify the nature of the emergency and the part of the community in which it exists.

Publication

(3) Immediately after declaring a state of local emergency, the municipal council shall cause the details of the declaration to be published in the manner that the municipal council considers is most likely to make the contents of the declaration known to the majority of the population of the part of the community affected.

Duration

(4) A declaration of a state of local emergency expires seven days after it is made, unless it is sooner cancelled by the Minister or terminated or extended by the municipal council.

Extension

(5) The municipal council may, in accordance with subsections (1) and (2), extend a declaration of a state of local emergency for further periods of up to seven days each.

Forwarding declaration to Minister

17. (1) On declaring or extending a state of local emergency, the municipal council shall, without delay, forward a copy of the declaration to the Minister.

Cancellation

(2) The Minister may, in writing, cancel a declaration of a state of local emergency at any time the Minister considers appropriate.

Effect of declaration by Minister

(3) A declaration of a state of local emergency ceases to have effect on the declaration by the Minister of a state of emergency in the same area.

Powers of municipal corporation

18. (1) On the declaration of a state of local emergency, the municipal corporation may, for the duration of the declaration, do any act and take any measure the municipal corporation considers necessary, including any of or all the following:

- (a) implement its emergency management program;
- (b) acquire or use real or personal property, whether private or public, the municipal corporation considers necessary or appropriate to prevent or respond to an emergency or mitigate the effects of an emergency;
- (c) construct works that the municipal corporation, with the approval of the Emergency Management Officer, considers necessary or appropriate to prevent or respond to an emergency or mitigate the effects of an emergency;
- (d) authorize or require a qualified person to render assistance of the type that the person is qualified to provide;
- (e) cause the demolition or removal of vegetation, structures, equipment or vehicles, that the municipal corporation, with the approval of the Emergency Management Officer, considers necessary or appropriate to reach the scene of an emergency or to attempt to prevent or respond to an emergency.

Authorization

(2) In the implementation of an emergency management program, a municipal council may authorize a person to exercise any power listed to in subsection (1) in relation to any part of the community affected by a declaration of a state of local emergency.

Payment of expenses

(3) Subject to the *Cities, Towns and Villages Act* and the *Hamlets Act*, a municipal council may, by by-law, during, or within 60 days after the declaration of, a state of local emergency, borrow the amounts necessary to pay any expenses caused by the emergency.

Approval of by-law

(4) A by-law referred to in subsection (3) requires the approval of the Minister but does not require the approval of ratepayers.

Termination of declaration

19. (1) If, in the opinion of the municipal council, an emergency no longer exists in a part of the community for which a declaration of a state of local emergency was made, the municipal council shall, by resolution, terminate the declaration of a state of local emergency in respect of that part of the community.

Publication

(2) Immediately after a declaration of a state of local emergency

- (a) expires under subsection 16(4),
- (b) is cancelled by the Minister under subsection 17(2), or
- (c) is terminated under subsection (1),

the municipal council shall cause the fact of the expiration or the details of the cancellation or termination to be published in the manner that the municipal council considers is most likely to make known, to the majority of the population of the part of the community affected, the fact of the expiration or the details of the cancellation or termination.

ADMINISTRATION

Emergency Management Officer

20. (1) The Minister shall appoint an Emergency Management Officer.

Duties

(2) The Emergency Management Officer shall

- (a) coordinate the Government of Nunavut's response to an emergency;
- (b) ensure that emergency management programs are prepared and that they comply with the established policies, standards and other measures;
- (c) monitor the testing and implementation of emergency management programs; and
- (d) undertake other duties assigned by the Minister.

Assistance to Emergency Management Officer

21. The Minister may designate any employee of the public service of the Government of Nunavut and request any peace officer or technician whom the Minister considers necessary to assist the Emergency Management Officer in carrying out his or her duties.

Municipal emergency management coordinator

22. (1) Every municipal council shall designate a municipal emergency management coordinator.

Duties and powers

(2) The municipal emergency management coordinator

- (a) shall
 - (i) co-ordinate the municipal corporation's response to an emergency,
 - (ii) advise and assist the municipal council on the preparation of an emergency management program for the community, and
 - (iii) co-ordinate the municipal corporation's testing and implementation of the emergency management program for the community; and
- (b) may enter into agreements with and make payments to organizations for the provision of services in the development or implementation of an emergency management program for the community.

Emergency measures organization

(3) A municipal council may establish an emergency measures organization to assist in emergency management.

Committees

23. (1) The Minister may

- (a) establish any committee that the Minister considers necessary or desirable to advise or assist the Emergency Management Officer; and
- (b) appoint members to a committee established under paragraph (a).

Remuneration

(2) A member appointed under paragraph (1)(b) who is not an employee or officer of a government institution may be paid for his or her services and reimbursed for his or her expenses at a rate the Minister considers reasonable.

COMPENSATION

Compensation for loss required

24. (1) The Minister shall cause compensation to be paid to a person who suffers a loss arising out of the following circumstances:

- (a) the acquisition or use of any real or personal property under paragraph 13(c);
- (b) the demolition or removal of vegetation, structures, equipment or vehicles under paragraph 13(k);
- (c) the conscription of a person under paragraph 13(o).

Compensation for loss discretionary

(2) The Minister may, in accordance with policies established by the Minister, cause compensation to be paid to a person who suffers a loss of or to real or personal property because of an action of the Minister in preventing or responding to an emergency or mitigating the effects of an emergency.

Compensation for loss by municipal corporation required

25. (1) A municipal corporation shall compensate a person who suffers a loss arising out of the following circumstances:

- (a) the acquisition or use of any real or personal property under paragraph 18(1)(b);
- (b) the demolition or removal of vegetation, structures, equipment or vehicles under paragraph 18(1)(e).

Compensation for loss by municipal corporation discretionary

(2) A municipal corporation may, in accordance with policies established by the municipal council and approved by the Minister, compensate a person who suffers a loss of or to real or personal property because of an action of the municipal corporation in preventing or responding to an emergency or mitigating the effects of an emergency.

Reimbursement

(3) The Minister may, in accordance with policies established by the Minister, reimburse a municipal corporation for any compensation it has paid under this section.

Dispute

26. An application may be made, by a person claiming compensation, to the Nunavut Court of Justice to determine a dispute concerning eligibility for or the amount of compensation payable under this Act.

GENERAL

Absence from employment

27. Every person who is absent from his or her accustomed employment because he or she is

- (a) conscripted under this Act, or
- (b) authorized or required to render assistance by the Minister during a state of emergency or by a municipal corporation during a state of local emergency,

is deemed to have been in his or her accustomed employment during the period of that absence for the purpose of retaining employment, seniority rights and pension benefits.

Entry without warrant

28. A person may, at any time, enter into or onto any place or property without a warrant if

- (a) a state of emergency or a state of local emergency has been declared; and
- (b) the person is authorized or required to act in the course of implementing an emergency management program.

No judicial review

29. No decision of the Minister or a municipal council respecting whether or not to declare, extend, renew or terminate a state of emergency or a state of local emergency shall be questioned or reviewed in any court, and the Minister, a municipal corporation or municipal council shall not be restrained by injunction, prohibition, mandamus or other process or proceeding.

Exclusion of liability

30. No action or proceeding may be brought against any person acting pursuant to the authority of this Act or the regulations for anything, in good faith, done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

Search and rescue

31. (1) The Minister may require a person to reimburse the costs incurred in the course of a search and rescue operation that resulted from conduct or omission on the part of the person that was imprudent, unreasonable or negligent.

Search and rescue outside municipality or settlement

(2) Search and rescue operations may be conducted outside a municipality or settlement.

Annual report

32. The Minister shall table before the Legislative Assembly an annual report on the operation of this Act within six months after the end of each fiscal year if the Legislative Assembly is then sitting, and if not, within five days after the commencement of the next sitting. S.Nu. 2010,c.14,s.5.

OFFENCES AND PUNISHMENT

Offences

33. (1) No person shall

- (a) fail or refuse, without lawful excuse, to comply with this Act or the regulations; or
- (b) interfere with or obstruct any person in the exercise of any power conferred or the performance of any duty imposed by this Act or the regulations.

Punishment

(2) Every person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both.

Continuing offence

34. Where this Act makes anything an offence, every day on which the offence continues constitutes a separate offence.

REGULATIONS

Regulations

35. (1) The Commissioner, on the recommendation of the Minister, may make regulations

- (a) respecting the content of an emergency management program;
- (b) prescribing the information that must be included in a report prepared under subsection 5(3), 6(3) or 7(3);
- (c) prescribing an enterprise for the purpose of subsection 7(1);
- (d) respecting the reimbursement of costs incurred during a search and rescue operation;
- (d.1) prescribing factors to be considered in determining whether conduct or omission is imprudent, unreasonable or negligent for the purpose of subsection 31(1);
- (e) governing the sharing of costs incurred by the Government of Nunavut or a municipal corporation in implementing an emergency management program;
- (f) respecting any other matter that the Commissioner, on the recommendation of the Minister, considers necessary or advisable to carry out the intent of this Act.

Adoption of code of rules or standards

(2) If a code of rules or standards concerning the subject-matter of this Act

- (a) has been promulgated by any association, person or body of persons, and
- (b) is available to the public in an electronic or printed form,
- the Commissioner, on the recommendation of the Minister, may adopt the code by regulation and, on adoption, the code shall be in force in Nunavut either in whole or in part or with such variations as may be specified in the regulation.

Amendment of code

- (3) A regulation made under subsection (2) may adopt a code as amended from time to time.

TRANSITIONAL

Emergency Management Officer

36. (1) The person who, on the coming into force of this Act, was the Emergency Measures Officer appointed under section 2 of the *Civil Emergency Measures Act*, R.S.N.W.T. 1988, c. C-9, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), continues as the Emergency Management Officer under subsection 20(1) of this Act.

Municipal emergency management coordinator

(2) A person who, on the coming into force of this Act, was the co-ordinator of the community emergency measures agency appointed under paragraph 7(1)(c) of the *Civil Emergency Measures Act*, R.S.N.W.T. 1988, c. C-9, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), continues as the municipal emergency management coordinator under subsection 22(1) of this Act.

Note

The following provisions have been deleted for the purposes of this consolidation: s.37 to 39 (Consequential Amendments)

REPEAL

Civil Emergency Measures Act

40. The *Civil Emergency Measures Act*, R.S.N.W.T. 1988, c. C-9, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), is repealed.

COMING INTO FORCE

Coming into force

41. (1) This Act, except sections 5 to 9, comes into force on assent.

Exception

(2) Sections 5 to 9 come into force on a day or days to be fixed by order of the Commissioner.