

Analysis of Bill 21: Emergency Statutes Amendment Act



Published: May 14, 2024
Last update: May 29, 2024

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Introduction

Bill 21 – Emergency Statutes Amendment Act, 2024

The following document represents Alberta Municipalities’ preliminary analysis of Bill 21 and was prepared by ABmunis administration based on positions previously approved by the ABmunis Board and membership. We welcome feedback from members on our analysis and encourage members to share any insights with our Advocacy team. Our positions on details of the Act may evolve over time with further analysis and member engagement. ABmunis was not consulted during the development of the legislation and did not provide input in advance of Bill 21 being tabled.

Proposed changes to emergency management approaches

According to the Government of Alberta’s [update](#) on Bill 21, three acts will be amended to give the province more authority during emergencies. The Emergency Management Act, the Water Act and the Forest and Prairie Protection Act will be amended to accommodate this greater scope of provincial power. These changes do not seek to change existing roles and responsibilities. Instead, the changes seek to provide the Government of Alberta with more tools and options to better tailor and focus supports to local authorities during significant emergency response efforts.

Bill 21 will also move the provincial election date from May 2027 to October 2027, reportedly to reduce the chance of the vote coinciding with a natural disaster. As a result, amendments are required to the Election Act, Alberta Senate Election Amendment Act and the Election Finances and Contribution Disclosures Act.

Alberta Municipalities supports greater coordination between municipalities and the province during emergencies. It is our hope that these changes will lead to better cooperation and responses to natural disasters which impact multiple jurisdictions. We will also be seeking clear criteria and processes for compensating municipalities for costs incurred when the province assumes control over a State of Local Emergency.

| Government of Alberta description of the proposed change | Government of Alberta description of the current status | ABmunis understanding of the proposed change | ABmunis analysis and position |
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| Amendments to the Emergency Management Act | | | |
| Ensure Government can assume authority over local emergency response. | Per Section 11 of the Emergency Management Act, the Local Authority is responsible for emergency response unless the province assumes control due to designating another individual to be in control of the local authority’s response or the province declares a state of emergency for the same area that supersedes the municipality’s state of local emergency. | This change should allow for the province to intervene in situations where local capacity has been overwhelmed or the size of a natural disaster warrants increased coordination. | <p>Support with qualification.</p> <ul style="list-style-type: none"> • ABmunis has called for greater coordination between provincial and municipal emergency response. • Province needs to identify which command system will be used if they assume authority over local emergency response. Implications include; risk management, safety and training. Also to overcome these issues, costs will be incurred and these need to be borne by the Province. <p>Additional solutions needed. Municipal Affairs should engage municipalities and emergency management professionals, so all parties are clear on what constitutes a local authority no longer being able to adequately respond to an emergency.</p> <p>Section 24(1.011) states that a local authority is responsible to pay compensation for damages due to</p> |

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| | | | actions taken during a response where the section has been enacted, but that the Minister may, by order, pay some or all of that required compensation. Additional information on what factors will be considered in determining whether compensation will be paid would be welcomed. |
| <p>Standardize reporting requirements for local authorities during an emergency.</p> <p>The new reporting requirements are identified in the bill as “reporting any information required by the Minister at the times required by the Minister.”</p> | <p>Currently municipalities are required to notify the Minister when a State of Local Emergency is declared, and when it is ended.</p> <p>Other information is shared via daily briefings and updates to Alberta Emergency Management Agency staff.</p> | <p>While information sharing is vital during an emergency, the blanket requirement to report any information at any time could draw administrative capacity away from emergency management efforts.</p> <p>ABmunis will seek clarification from the Ministry on the intent behind this change and how information sharing can be accommodated without comprising a municipality’s ability to respond to an emergency.</p> | <p>Support with qualification.</p> <ul style="list-style-type: none"> • Information sharing already occurs during an emergency. • Clarification is needed to address any information gaps that exist during emergency situations. |
| Amendments to the Water Act | | | |
| <p>During an emergency, provide Cabinet authority to determine priority of water use under water licenses.</p> | <p>Currently the Minister can suspend or restrict a water license.</p> | <p>During an emergency, the province’s designated emergency management director would be able to order changes to the amount of water or purpose that a water licensee would normally be entitled to.</p> | <p>Support with qualification.</p> <ul style="list-style-type: none"> • Alberta Municipalities would appreciate more dialogue between the Alberta Government and water license holders on these changes. |
| <p>Allow low risk transfers between major water basins for use during an emergency.</p> | <p>Currently inter-basin transfers are only permitted by a special Act of the Legislature.</p> | <p>The Lieutenant Governor in Council may authorize inter-basin transfers during an emergency. This provision would be exempt from notice requirements normally required by the Water Act.</p> | <p>Do Not Support</p> <ul style="list-style-type: none"> • Moving the power to enact inter-basin water transfers to cabinet allows the GoA to act quickly in an emergency without the need to recall the Legislative Assembly. • It will be important for ABmunis to understand how the GoA will determine priorities when water resources become scarce. • Cabinet decisions bypass the need for public consultation; therefore, the province must engage with municipalities on this issue. |

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| | | | <ul style="list-style-type: none"> • Inter-basin water transfers increase the risk of unintended environmental effects, including invasive aquatic species, which must be mitigated. • More clarification is needed on what criteria would trigger an inter-basin transfer, how the effects would be monitored and how the province will mitigate the aftereffects of a transfer. |
| <p>Allow temporary use of private property or land to mitigate an emergency.</p> | <p>During emergency situations, use of private property or lands is permitted under the Emergency Management Act without the requirement of a warrant.</p> | <p>Granting this power to the Minister of Environment and Protected Areas may allow for a more streamlined approach when responding to an emergency.</p> | <p>Support with qualification.</p> <ul style="list-style-type: none"> • The province must ensure that adequate communication occurs with landowners. • The province should provide compensation to land and property owners as needed. |
| <p>Amendments to the Forest and Prairies Protection Act</p> | | | |
| <p>Provide the province with the authority to step in and actively support municipalities responding to a wildfire</p> | <p>Section 9 of the Act currently states “9(1) The Minister may fight a fire within a municipal district or an urban municipality where it appears to the Minister that satisfactory action to control and extinguish the fire is not being taken by that municipality and that the fire might damage public land.”</p> | <p>The act is being amended to state “The Minister may take any action to fight a fire on any land, including land within a municipality or settlement area, when (a) the Minister considers it to be in the public interest to do so, or (b) the municipality or Metis settlement requests the Minister to do so.”</p> | <p>Support with qualification.</p> <ul style="list-style-type: none"> • Alberta Municipalities would like to know how the Minister will determine if the public good is not being met by a municipality’s fire fighting efforts. • A clear process is needed for compensating municipalities for costs incurred if the province assumes control to a wildfire response. |
| <p>Allow the Province to direct municipal fire fighting resources to another jurisdiction</p> | <p>9(1.1)(d) states that “the Minister may instruct the municipality’s firefighters, and other persons under the municipality’s control that are considered necessary to fight a fire, to follow the directions of the Minister with respect to fighting a fire.”</p> | <p>Mutual aid agreements that see resources shared across municipal boundaries and provincial direction of firefighting efforts regularly occur during a wildfire. It is not common for the province to direct a local authority’s response to a fire located within the boundaries of a municipality.</p> | <p>Do Not Support</p> <ul style="list-style-type: none"> • The province must ensure that local response capacity is not hindered when using these powers to direct municipal resources to fight other fires. • The province should compensate municipalities for fire fighting operational costs and cover any losses or property damage that occur as a result. • The province must ensure it has adequate insurance provisions to cover the loss or damages of equipment conscripted from municipalities. • Many municipalities have unionized firefighters with non-contracting out clauses in their collective bargaining agreements. This must be considered in provincial decisions. |



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