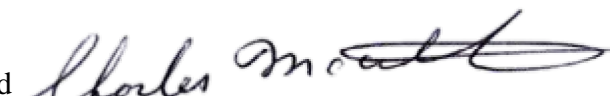


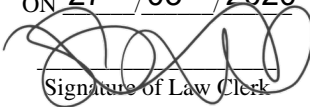
**YUULU?IL?ATH? GOVERNMENT  
EMERGENCY PREPAREDNESS ACT**

**YFNS 65/2020**



This law enacted on March 27, 2020

Signed   
Charles McCarthy, President of the  
Yuulu?il?ath? government

DEPOSITED IN THE  
REGISTRY OF LAWS AND  
OFFICIAL RECORDS  
ON 27 / 03 / 2020  
  
Signature of Law Clerk

**YUULU?IL?ATH GOVERNMENT  
EMERGENCY PREPAREDNESS ACT YFNS 65/2020**

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## PREAMBLE

The Yuulu?i?ath government assumes the responsibility of providing measures to protect the health, safety and welfare of Yuulu?i?ath citizens and to protect Yuulu?i?ath lands for present and future generations of Yuulu?i?ath citizens. This includes assisting in the preparation for, response to and recovery from an emergency, health hazard or disaster on Yuulu?i?ath lands, or with present or imminent effects on Yuulu?i?ath lands or to Yuulu?i?ath citizens.

The Yuulu?i?ath government acknowledges that the rugged beauty of the West Coast of Vancouver Island can pose challenges to the management of emergencies, health hazards and disasters on and around Yuulu?i?ath lands. Other governments, non-government agencies and the private sector may also have a role in preparing for, responding to and recovering from an emergency or disaster that affects Yuulu?i?ath citizens or Yuulu?i?ath lands.

Under 13.26.2 of Chapter 13 Governance of the Maa-nulth Treaty, the Yuulu?i?ath government has the rights, powers and duties of a local authority under federal or provincial law in respect of emergency preparedness and emergency measures on Yuulu?i?ath lands, including the power to declare a state of local emergency on Yuulu?i?ath lands.

Having clear lines of responsibility within the Yuulu?i?ath government as well as an emergency plan to guide our emergency, health hazard and disaster preparedness, response and recovery measures are critical to ensuring those measures are timely, effective and coordinated.

The Yuulu?i?ath government adopts this Act based on these values and objectives.

**YUULU?IL?ATH GOVERNMENT  
EMERGENCY PREPAREDNESS ACT YFNS 65/2020**

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## PART 1 - INTRODUCTORY PROVISIONS

### Short title

1.1 This Act may be cited as the Emergency Preparedness Act.

### Executive oversight

1.2 The President is responsible for the executive oversight of this Act.

### Authority and application

- 1.3 (a) This Act is enacted under
- (i) 13.26.2 of Chapter 13 Governance of the Maa-nulth Treaty, and
  - (ii) section 3.2(bb) of the Constitution.
- (b) This Act applies to Yuulu?il?ath lands and Yuulu?il?ath foreshore.

### Definitions

1.4 In this Act,

“annual budget” has the meaning given to that term in the Financial Administration 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 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 the Executive under section 3.1, as amended from time to time;

"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;

“Yuulu?il?ath emergency declaration” means a declaration of a state of local emergency made by the President under section 2.4(a);

“Yuulu?il?ath emergency operations centre” means a centre established under section 3.3;

“Yuulu?il?ath emergency program” means the program established under this Act;

“multi-year financial plan” has the meaning given to that term in the Financial Administration Act;

“named person” means a person named in a demand under section 3.7(a).



## PART 2 - ADMINISTRATION

### Creation of emergency program

2.1 The emergency program of the Yuulu?il?ath government is hereby established.

### Role of the Legislature

2.2 The Legislature must ensure that the annual budget provides sufficient financial resources for the Yuulu?il?ath government to maintain an essential level of preparedness for emergencies and disasters on Yuulu?il?ath lands, or with present or imminent effects on Yuulu?il?ath lands.

### Role of the Executive

- 2.3 (a) The Executive is at all times responsible for the general direction and control of the Yuulu?il?ath emergency program.
- (b) Without limiting subsection (a), the Executive must perform the following duties and may exercise the following powers from time to time where necessary or advisable:
- (i) provide strategic direction and oversight to the director of operations and the director of lands and resources in connection with their duties and powers under this Act;
  - (ii) approve the emergency plan and any amendments to that plan;
  - (iii) enter into agreements on behalf of the Yuulu?il?ath government to facilitate implementation of the Yuulu?il?ath emergency program, including
    - (A) agreements with other governments for the purpose of emergency or disaster assistance or the formulation of coordinated preparation for, response to or recovery from an emergency or disaster, and
    - (B) agreements with individuals, bodies, corporations or non-government agencies for the provision of goods or services;
  - (iv) enact regulations or approve policies to facilitate implementation of the Yuulu?il?ath emergency program; and
  - (v) authorize or direct one or more of the response measures specified in section 3.4 while a Yuulu?il?ath emergency declaration is in effect;
  - (vi) approve emergency expenditures requiring Executive approval under the Financial Administration Act; and
  - (vii) exercise any powers available to the Yuulu?il?ath government under federal or provincial law.

- (c) The Executive may delegate, in writing, the performance of any of the Executive's duties or the exercise of any of the Executive's powers under this Act to
  - (i) a committee of the Executive,
  - (ii) a Yuulu?il?ath government employee, or
  - (iii) an independent contractor of the Yuulu?il?ath government.
- (d) Despite subsection (c), the Executive must not delegate its power to enact a regulation under this Act.
- (e) Despite the delegation of any duties or powers under subsection (c), the Executive remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

### **Role of the President**

- 2.4** The President must perform the following duties and may exercise the following powers from time to time:
- (a) where necessary or advisable, make, extend or cancel a declaration of a state of local emergency on Yuulu?il?ath lands; and
  - (b) where because of the circumstances of an emergency or disaster, it is not possible to assemble a quorum of the Executive, and provided the President has made every effort to obtain the consent of the other members of the Executive,
    - (i) authorize or direct one or more of the response measures specified in section 3.4 while a Yuulu?il?ath emergency declaration is in effect, or
    - (ii) approve an emergency expenditure requiring Executive approval under the Financial Administration Act.

### **Role of the director of operations**

- 2.5** The director of operations must perform the following duties and may exercise the following powers from time to time where necessary or advisable:
- (a) serve as director of any Yuulu?il?ath emergency operations centre;
  - (b) approve emergency expenditures not requiring Executive approval under the Financial Administration Act; and
  - (c) any other duties given, delegated or assigned under this Act or by the Executive.

## **Role of the director of lands and resources**

- 2.6** The director of lands and resources must perform the following duties and may exercise the following powers from time to time where necessary or advisable:
- (a) provide leadership and administration for the Yuulu?il?ath emergency program;
  - (b) prepare a draft emergency plan and any proposed amendments to that plan for approval by the Executive;
  - (c) maintain a current copy of the emergency plan at Yuulu?il?ath administrative offices at all times, and inform the President and the director of operations of the location of that copy;
  - (d) provide information and recommendations to the Legislature, the President, the director of operations and the director of finance regarding any components of the annual budget and the multi-year financial plan relating to the Yuulu?il?ath emergency program;
  - (e) where necessary or advisable and subject to any direction from the Executive, negotiate and recommend arrangements or agreements to the Executive to facilitate implementation of the Yuulu?il?ath emergency program;
  - (f) where necessary or advisable, recommend actions, regulations or policies to the Executive to facilitate implementation of the Yuulu?il?ath emergency program;
  - (g) coordinate implementation of any prevention or preparedness measures contemplated in the emergency plan or otherwise directed by the Executive, including
    - (i) training and exercises,
    - (ii) volunteer programs or planning,
    - (iii) information programs or sessions for the public or Yuulu?il?ath citizens, and
    - (iv) research regarding, and measures to eliminate or minimize, actual or potential hazards on Yuulu?il?ath lands;
  - (h) in the event of an emergency or disaster on Yuulu?il?ath lands, or with present or imminent effects on Yuulu?il?ath lands, regardless of whether a Yuulu?il?ath emergency declaration has been made,
    - (i) coordinate implementation of any response or recovery measures contemplated in the emergency plan or otherwise directed by the Executive, the President under section 2.4 or the director of operations, and

- (ii) coordinate Yuulu?il?ath government response and recovery measures with those of other governments, non-government agencies and the private sector;
- (i) at any time upon request, report the status of the Yuulu?il?ath emergency program to the Legislature, the Executive or the director of operations;
- (j) at any time upon request, report the status of the Yuulu?il?ath emergency program to Canada or British Columbia; and
- (k) any other duties given, delegated or assigned under this Act or by the Executive.

## PART 3 - PREPAREDNESS, RESPONSE AND RECOVERY

### Emergency plan

- 3.1** (a) Within one year of the coming into force of this Act, the Executive must approve a plan respecting the preparation for, response to and recovery from an emergency or disaster on Yuulu?i?ath lands, or with present or imminent effects on Yuulu?i?ath lands.
- (b) The Executive must annually review the emergency plan and may, from time to time, amend the emergency plan.

### Yuulu?i?ath emergency declaration

- 3.2** (a) A Yuulu?i?ath emergency declaration must
- (i) be made by the President, by Order,
  - (ii) identify the nature of the emergency, and
  - (iii) specify the Yuulu?i?ath lands on which the emergency exists or is imminent.
- (b) If the President makes a Yuulu?i?ath emergency declaration, the President must as soon as practicable after making the declaration convene an Executive meeting to assist in directing the response to the emergency.
- (c) Immediately after a Yuulu?i?ath emergency declaration is made, the President must ensure
- (i) a copy of the declaration is provided to Canada, British Columbia, the Alberni-Clayoquot Regional District and the District of Ucluelet, and
  - (ii) the details of the declaration are posted, published or otherwise communicated by a means of communication that the President considers most likely to make the contents of the declaration known to the population of the affected area.
- (d) A Yuulu?i?ath emergency declaration expires 14 days from the date it is made unless
- (i) it is earlier cancelled by the President in accordance with this Act,
  - (ii) it is earlier cancelled by Canada or British Columbia in accordance with federal or provincial law,
  - (iii) it earlier ceases to have force or effect under federal or provincial law, or
  - (iv) it is extended by the President in accordance with this Act or federal or provincial law.

- (e) Subsections (a) and (c) apply to each extension or cancellation of a Yuulu?il?ath emergency declaration, with necessary changes in the details.

### **Emergency operations centre**

**3.3** If a Yuulu?il?ath emergency declaration has been made or if otherwise directed by the Executive, the director of operations must

- (a) 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 President, and
- (b) serve as director of that emergency operations centre.

### **Response measures**

**3.4** (a) While a Yuulu?il?ath emergency declaration is in effect, the Executive 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 or disaster, including any or all of the following:

- (i) provide directions to the director of operations or the director of lands and resources regarding implementation of the emergency plan;
- (ii) authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
- (iii) control or prohibit travel to or from any area of Yuulu?il?ath lands;
- (iv) cause the evacuation of persons and the removal of livestock, animals and personal property from any area of Yuulu?il?ath lands that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
- (v) designate a place as a quarantine facility if the Executive reasonably believes that the temporary use of the place for the purposes of isolating or detaining individuals is necessary to protect public health and, if so designated, a person who has control of a place designated as a quarantine facility must provide the place to the Yuulu?il?ath government;
- (vi) detain and quarantine an individual in a quarantine facility;
- (vii) acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;

- (viii) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services on Yuulu?il?ath lands;
  - (ix) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing the emergency plan or if otherwise considered by the Executive to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (x) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Executive to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (xi) construct works considered by the Executive to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
  - (xii) procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment on Yuulu?il?ath lands for the duration of the state of emergency; and
  - (xiii) enforce on Yuulu?il?ath lands or Yuulu?il?ath foreshore an order made under the Public Health Act (British Columbia) or the Emergency Program Act (British Columbia).
- (b) Despite subsection (a), if in accordance with federal or provincial law, Canada or British Columbia order the Yuulu?il?ath government to refrain or desist from implementing a response measure,
- (i) the Executive must not authorize or direct implementation of that response measure, or
  - (ii) if the Yuulu?il?ath government has already commenced implementation of that response measure, the Executive must ensure implementation of the response measure is halted.

### **Mandatory assistance**

**3.5** If the Executive under section 3.4 or the President under section 2.4 make 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**

**3.6** If a person suffers a loss as a result of any action taken by or under direction of the Executive, the President, the director of operations or the director of lands and resources under this Act, the

Yuulu?i?ath government must compensate that person for the loss in accordance with applicable federal or provincial law.

### **Recovery of costs**

- 3.7** (a) 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 the Yuulu?i?ath government to prevent, respond to or alleviate the effects of the emergency, health hazard or disaster,
- (i) the director of operations may deliver in accordance with Yuulu?i?ath law a demand to that person requiring him or her to pay the Yuulu?i?ath government the portion of the Yuulu?i?ath government's expenditures attributable to his or her acts or omissions, and
  - (ii) that person must pay the Yuulu?i?ath government the amount specified in the demand within the time period specified in the demand.
- (b) A demand under subsection (a) must
- (i) describe the named person's acts or omissions,
  - (ii) provide a breakdown of the portion of the Yuulu?i?ath government's expenditures attributable to the named person's acts or omissions, including supporting receipts or invoices, and
  - (iii) specify the time period in which the amount demanded must be paid.
- (c) No later than 14 days after receipt of a demand under subsection (a), the named person may request a review of the demand by the Administrative Decisions Review Board.
- (d) An amount demanded under subsection (a) is a debt owing by the named person to the Yuulu?i?ath government and may be collected by the Yuulu?i?ath government in accordance with sections 5.6 to 5.11 of the Financial Administration Act.
- (e) Nothing in subsection (a) relieves a person from any other liability.



## PART 4 - GENERAL PROVISIONS

### Regulations

- 4.1** (a) The Executive may make regulations which it considers necessary or advisable for the purposes of this Act.
- (b) Without limiting subsection (a), the Executive may make regulations respecting
- (i) implementation of the emergency plan,
  - (ii) the establishment or operation of any Yuulu?il?ath emergency operations centre, or
  - (iii) the establishment or implementation of a disaster financial assistance fund for Yuulu?il?ath citizens.

### Offence

- 4.2** 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 and is liable, on summary conviction, to a fine not exceeding \$10,000 or imprisonment for a term not exceeding six months.

### Commencement

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