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Bill 238

**An Act to make statutory amendments respecting emergency management
and authorizing enforceable directives to specified entities
providing publicly-funded community and social services**

The Hon. T. Jones

Associate Minister of Emergency Preparedness and Response

Government Bill

1st Reading December 9, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

The Schedule amends the *Emergency Management and Civil Protection Act*. The Act is amended to add a purpose provision in section 0.1, and to remove references to the Solicitor General and replace them with references to the Minister, as defined. As well, a new definition of “emergency management” is added to section 1. The Act is also amended to add headings and to make a number of minor corrections.

Various amendments are made to the Act respecting emergency management governance, roles and responsibilities:

1. Section 2 is re-enacted to set out significant aspects of the Minister’s powers, duties and functions under the Act. The Minister may delegate powers, duties and functions to the Commissioner of Emergency Management. Under the re-enacted section 2.0.1, the Minister is responsible for developing and maintaining a provincial emergency management strategy that outlines strategic emergency management objectives for the Province.
2. A new section 2.0.2 continues the office of the Commissioner of Emergency Management and sets out significant aspects of the Commissioner’s powers, duties and functions. The Commissioner is required to establish an advisory committee to provide advice on the co-ordination of emergency management. The Commissioner is also required to co-ordinate the deployment or use of personnel, services, equipment, materials and facilities that are available to the Commissioner to support emergency management, to be known as “Ontario Corps”. The Commissioner may delegate powers, duties and functions to a public servant.
3. The office of the Chief, Emergency Management Ontario is removed from the Act.
4. A provincial emergency management organization that forms part of the Minister’s Ministry is mandated under the new section 2.0.3, to assist the Minister in the co-ordination of emergency management in Ontario.
5. Under the new section 2.0.4, an advisory committee of the Executive Council is established statutorily.
6. Section 6.2 of the current Act, which requires that emergency plans developed under the Act be submitted to the Chief, Emergency Management Ontario, is repealed. Instead, a new section 9.1 is added to the Act. The new section requires every entity that must develop an emergency plan under the Act to submit a copy of it to the Minister. The Minister may require information on emergency management programs and emergency plans to be submitted to the Minister and, if the Minister is satisfied that a program or plan does not meet the requirements of the Act, the Minister may issue a directive requiring the program or plan to be modified.
7. A new section 9.2 permits the Minister to issue guidelines respecting the development or implementation of emergency management programs and emergency plans, or any other matter related to emergency management.

Various other amendments are made to the Act respecting emergency management under the Act by municipalities, provincial entities and other specified entities. Emergency plans are also renamed “emergency management plans”.

1. Section 2.1, which requires municipalities to develop and implement an emergency management program, is amended so that regulations made under the Act can set out rules respecting their development and implementation. Subsection 2.1 (1) specifies that a municipality’s emergency management program must contain an emergency management plan, in addition to anything else required under the Act. The re-enacted section 3 addresses the requirements of the emergency management plan that forms part of a municipality’s emergency management program.
2. Similarly, section 5.1, which requires ministers of the Crown and designated government entities (as defined in section 1) to develop and implement an emergency management program, is amended so that regulations made under the Act can set out rules respecting their development and implementation. And subsection 5.1 (1) specifies that these programs must contain an emergency management plan. The re-enacted section 6 addresses requirements of the emergency management plan that forms part of a minister’s or designated government entity’s emergency management program.
3. A re-enacted section 6.2 of the Act provides authority for the Lieutenant Governor in Council to require specified entities that operate or provide critical infrastructure to develop and implement an emergency management program, an emergency management plan or both, in accordance with the regulations.
4. The re-enacted section 6.0.1 requires the Lieutenant Governor in Council to develop and issue a provincial emergency management planning framework that contains the information listed in the section. All emergency management plans under the Act must conform with this planning framework.
5. The regulation-making authority necessary to support the amendments respecting emergency management are contained in the re-enacted section 14.

Finally, section 4 of the Act, respecting municipal emergency declarations, is re-enacted to specify conditions that must be met by the head of council of a municipality before declaring an emergency and the effect of a declaration. Sections 7 to 7.2 of the Act, dealing with provincial emergency declarations, are unamended except consequentially and to make minor changes.

SCHEDULE 2
MINISTRY OF COMMUNITY AND SOCIAL SERVICES ACT

The *Ministry of Community and Social Services Act* is amended to authorize the Minister to issue directives to entities prescribed by the regulations made under the Act that receive funding from the Minister to provide community and social services with respect to any extraordinary matters prescribed by those regulations and the provision of those community and social services. In cases of non-compliance with a directive, the Minister is authorized to issue an order requiring entities to, for example, do anything to achieve compliance with the directive. An offence of knowingly contravening an order issued by the Minister is established. In addition, amendments are made to the French versions of subsection 9 (4) and clause 13 (1) (g) of the Act.

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Preamble

The Government of Ontario is working to help build stronger, safer communities that are better prepared for emergencies, including by providing opportunities for people and organizations throughout Ontario to support emergency management in the Province.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Emergency Management Modernization Act, 2024*.

**SCHEDULE 1
EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT**

1 The *Emergency Management and Civil Protection Act* is amended by adding the following section:

PURPOSES AND INTERPRETATION

Purposes of this Act

0.1 The purposes of this Act are,

- (a) to provide for emergency management to safeguard the health, safety, welfare and property of the people of Ontario;
- (b) to facilitate co-ordination as part of emergency management, including amongst,
 - (i) individuals,
 - (ii) municipalities,
 - (iii) Indigenous communities,
 - (iv) organizations in the public and private sectors,
 - (v) federal, provincial and territorial governments, and
 - (vi) international organizations; and
- (c) to provide for emergency powers.

2 (1) Section 1 of the Act is amended by adding the following definition:

“designated government entity” means a prescribed Government of Ontario agency, board, commission or other entity, other than a ministry; (“entité gouvernementale désignée”)

(2) Section 1 of the Act is amended by adding the following definitions:

“emergency management” means organized activities undertaken to prevent, mitigate, prepare for, respond to and recover from emergencies; (“gestion des situations d’urgence”)

“Minister” means the President of the Treasury Board or such other member of the Executive Council to whom administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“provincial emergency management organization” means the entity required under section 2.0.3; (“organisme provincial de gestion des situations d’urgence”)

(3) Section 1 of the Act is amended by adding the following definition:

“emergency management plan” means an emergency management plan developed under this Act; (“plan de gestion des situations d’urgence”)

(4) The definition of “emergency management program” in section 1 of the Act is repealed and the following substituted:

“emergency management program” means an emergency management program developed under this Act; (“programme de gestion des situations d’urgence”)

(5) The definition of “emergency plan” in section 1 of the Act is repealed.

(6) The definition of “local services board” in section 1 of the Act is amended by striking out “*Local Services Boards Act*” and substituting “*Northern Services Boards Act*”.

(7) Section 1 of the Act is amended by adding the following definition:

“provincial planning framework” means the provincial emergency management planning framework issued under section 6.0.1; (“cadre provincial de planification”)

3 (1) Sections 2 and 2.0.1 of the Act are repealed and the following substituted:

GOVERNANCE

Minister’s responsibilities

2 (1) The Minister shall provide leadership in and ensure co-ordination of emergency management in Ontario.

Powers, duties and functions

(2) For the purposes of this Act, the Minister,

- (a) may monitor and assess hazards, risks, vulnerabilities, resources and facilities in Ontario, which may include,

- (i) authorizing surveys or studies to identify and record actual or potential hazards, risks and vulnerabilities that could cause or exacerbate an emergency in any part of Ontario, and
- (ii) authorizing surveys or studies of resources and facilities to maintain and provide information necessary for the effective development of emergency management programs and emergency plans;
- (b) may monitor, review, assess and advise on the development and implementation of emergency management programs and emergency plans;
- (c) may co-ordinate or deliver training or exercises for the effective implementation of emergency management programs and emergency plans;
- (d) may oversee the co-ordination of the deployment and use of Ontario Corps under subsection 2.0.2 (4) by the Commissioner of Emergency Management;
- (e) may promote public awareness of matters related to emergency management;
- (f) may enter into agreements or other arrangements, such as mutual aid arrangements;
- (g) may liaise with individuals or entities including municipalities, Indigenous communities, organizations in the public and private sectors, federal, provincial and territorial governments and international organizations; and
- (h) may exercise any other prescribed powers and shall perform any other prescribed duties or functions.

Delegation

(3) The Minister may delegate, in writing, any of the Minister's powers, duties or functions under this Act to the Commissioner of Emergency Management, subject to any conditions set out in the delegation.

Same

(4) Subsection (3) does not apply with respect to powers, duties or functions under sections 7.0.1 to 7.2.

Provincial emergency management strategy

2.0.1 (1) The Minister shall develop a provincial emergency management strategy that outlines strategic emergency management objectives for the Province.

Annual report

(2) The Minister shall prepare an annual report on the provincial emergency management strategy detailing the progress that has been made on achieving the strategic emergency management objectives.

Review

(3) At least every five years, the Minister shall review the provincial emergency management strategy and revise it as needed.

Public availability

(4) The Minister shall make the provincial emergency management strategy and the annual reports available to the public on a website of the Government of Ontario or in such other manner as may be prescribed.

Not a regulation

(5) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to the provincial emergency management strategy.

Commissioner of Emergency Management

2.0.2 (1) The Lieutenant Governor in Council shall appoint a Commissioner of Emergency Management, who shall operate under the Minister's direction.

Powers, duties and functions

(2) The Commissioner of Emergency Management,

- (a) shall direct the operations of the provincial emergency management organization; and
- (b) may exercise the powers and shall perform the duties and functions that may be prescribed or delegated to the Commissioner.

Advisory committee

(3) The Commissioner of Emergency Management shall establish a committee, comprised of public servants selected by the Commissioner, that shall advise the Commissioner, the Minister and the Cabinet advisory committee established under section 2.0.4 with respect to the co-ordination of emergency management.

Co-ordination of resources

(4) The Commissioner of Emergency Management shall co-ordinate the deployment or use of personnel, services, equipment, materials and facilities that are available to the Commissioner for the purposes of this subsection to support emergency management.

Ontario Corps

(5) The personnel, services, equipment, materials and facilities referred to in subsection (4) shall be known as “Ontario Corps” in English and “Corps de l’Ontario” in French.

Reporting

(6) The Commissioner of Emergency Management shall annually report to the Minister on the operations of the provincial emergency management organization and any other information specified by the Minister.

Delegation

(7) The Commissioner of Emergency Management may delegate, in writing, any of the Commissioner’s powers, duties or functions, including a power, duty or function delegated to the Commissioner by the Minister under subsection 2 (3), to a public servant, subject to any conditions set out in the delegation.

Same

(8) Subsection (7) does not apply with respect to powers, duties or functions under sections 7.0.1 to 7.2.

Transition

(9) The individual who held the position of the Commissioner of Emergency Management immediately before the day subsection 3 (1) of Schedule 1 to the *Emergency Management Modernization Act, 2024* came into force continues in that position until the end of their appointment.

Provincial emergency management organization

2.0.3 There shall be a provincial emergency management organization that forms part of the Minister’s Ministry, which shall operate under the direction of the Commissioner of Emergency Management to assist the Minister in the co-ordination of emergency management in Ontario.

Cabinet advisory committee

2.0.4 (1) A committee of the Executive Council is established for the purposes of this Act.

Composition

(2) The committee shall be comprised of a chair, vice-chair and members appointed by the Lieutenant Governor in Council from among the members of the Executive Council.

Secretary

(3) The Commissioner of Emergency Management shall act as the secretary to the committee.

Duties and functions

(4) The committee shall,

- (a) perform any advisory duties or functions that the Executive Council directs, which may include direction to advise the Executive Council on the co-ordination of emergency management under this Act; and
- (b) report to the Executive Council at least annually on its activities.

Transition

(5) The members of the committee immediately before the day subsection 3 (1) of Schedule 1 to the *Emergency Management Modernization Act, 2024* came into force continue in that position until the end of their appointment.

(2) Subsection 2.0.2 (2) of the Act, as enacted by subsection (1), is amended by striking out “and” at the end of clause (a) and by adding the following clause:

(a.1) shall co-ordinate implementation of the provincial planning framework; and

(3) Subsection 2.0.2 (6) of the Act, as enacted by subsection (1), is amended by striking out “the provincial emergency management organization and any other information” and substituting “the provincial emergency management organization, the implementation of the provincial planning framework and any other information”.

4 The Act is amended by adding the following heading immediately before section 2.1:

MUNICIPAL EMERGENCY MANAGEMENT AND DECLARATION OF EMERGENCY

5 Subsections 2.1 (1) and (2) of the Act are repealed and the following substituted:

Emergency management program, municipalities

(1) Every municipality shall, in accordance with the regulations, develop and implement an emergency management program that contains the emergency management plan required by section 3 and meets the requirements of this section and the regulations.

Adoption

(2) The council of the municipality shall by by-law adopt the emergency management program.

Joint program

(2.1) A regulation made for the purposes of subsection (1) may provide for the development and implementation of an emergency management program jointly by two or more municipalities.

6 Section 3 of the Act is repealed and the following substituted:

Emergency management plan, municipalities

3 (1) Every municipality shall, in accordance with the regulations, develop and implement an emergency management plan that conforms to the provincial planning framework and meets the prescribed requirements.

Adoption

(2) The council of the municipality shall by by-law adopt the emergency management plan.

Specific emergency

(3) A regulation made for the purposes of subsection (1) may require one or more municipalities to address a specific type of emergency in their emergency management plans.

Joint plan

(4) A regulation made for the purposes of subsection (1) may provide for the development and implementation of an emergency management plan jointly by two or more municipalities.

7 Section 4 of the Act is repealed and the following substituted:

Declaration of emergency

4 (1) The head of council of a municipality may, subject to subsection (2), declare that an emergency exists in all or part of the municipality.

Preconditions

(2) The head of council shall not declare an emergency without,

- (a) consulting the municipality's emergency management plan; and
- (b) being satisfied that the taking of an action authorized under subsection (3) is necessary to address the situation or impending situation without the risk of serious delay.

Effect of declaration

(3) If the head of council declares an emergency, the head of council is authorized to take action under the municipality's emergency management plan to the extent necessary to protect property and the health, safety and welfare of the inhabitants of the emergency area for the duration of the declared emergency.

Limitation

(4) For greater certainty, nothing in subsection (3) authorizes the head of council to do anything that is contrary to law.

Termination by municipality

(5) The head of council or the council of a municipality may at any time declare that the emergency has terminated.

Minister to be notified

(6) The head of council shall ensure that the Minister is promptly notified of a declaration made under subsection (1) or (5).

Termination by Premier

(7) The Premier of Ontario may at any time declare that the emergency has terminated.

Reporting to the public

(8) The head of council or such other person as may be specified in the municipality's emergency management plan for the purposes of this subsection shall report regularly to the public respecting the declared emergency until it has terminated.

Reporting to council

(9) The head of council shall, every 30 days until the declared emergency has terminated, report to the council of the municipality outlining the reasons why it remains necessary for the emergency declaration to be in effect.

Reporting to Minister

(10) The head of council of the municipality shall, within the prescribed period of time after the termination of the emergency, provide a written report to the Minister respecting the emergency, which shall include,

- (a) the date and time the emergency was declared;
- (b) the date and time the termination of the emergency was declared;
- (c) an explanation of why the head of council declared the emergency, including why the head of council was satisfied that the condition in clause (2) (b) was met; and
- (d) any other prescribed information.

Request for assistance

(11) For greater certainty, the head of council or the council of a municipality may request assistance respecting an emergency from the provincial emergency management organization, the Commissioner of Emergency Management or the Minister without declaring an emergency under this section.

8 Section 5 of the Act is repealed.**9 The Act is amended by adding the following heading immediately before section 5.1:**

PROVINCIAL EMERGENCY MANAGEMENT

10 (1) Subsections 5.1 (1) and (2) of the Act are repealed and the following substituted:**Emergency management program, provincial bodies**

(1) Every minister of the Crown presiding over a ministry of the Government of Ontario, and every designated government entity, shall, in accordance with the regulations, develop and implement an emergency management program that meets the requirements of this section and the regulations.

Hazard and risk assessment and infrastructure identification

(2) In developing an emergency management program, every minister of the Crown and designated government entity shall identify and regularly monitor and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure for which the minister or designated government entity is responsible that are at risk of being affected by emergencies.

(2) Subsection 5.1 (2.2) of the Act is amended by striking out “to the Chief, Emergency Management Ontario annually and at any other time requested by the Chief” at the end and substituting “to the Commissioner of Emergency Management annually and at any other time requested by the Commissioner”.

(3) Subsection 5.1 (2.2) of the Act, as amended by subsection (2), is amended by striking out “designated agency, board, commission and other branch of government” and substituting “designated government entity”.

11 Sections 6 and 6.0.1 of the Act are repealed and the following substituted:**Emergency management plan, provincial bodies**

6 (1) Every minister of the Crown presiding over a ministry of the Government of Ontario and every designated government entity shall, in accordance with the regulations, develop and implement an emergency management plan in respect of the matters specified in subsection (2) that conforms to the provincial planning framework and meets the prescribed requirements.

Same

(2) The emergency management plan shall address,

- (a) the type of emergency specified by the regulations for the minister’s ministry or the designated government entity;
- (b) the emergency management functions specified by the regulations for the minister’s ministry or the designated government entity; and
- (c) any other prescribed emergency management matter.

Nuclear, radiological emergencies

(3) For the purposes of clause (2) (a), the regulations shall specify nuclear emergencies and radiological emergencies for at least one ministry or designated government entity.

Not a regulation

(4) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to emergency management plans under this section.

Provincial emergency management planning framework

6.0.1 (1) The Lieutenant Governor in Council shall develop and issue a provincial emergency management planning framework that meets the requirements of this section.

Same

- (2) The planning framework shall consist of,
- (a) a description of how the Province will co-ordinate all aspects of emergency management at the provincial level;
 - (b) a description of how the Province will ensure continuity of government operations during an emergency;
 - (c) a description of how the Province will co-ordinate emergency management of nuclear emergencies and radiological emergencies; and
 - (d) a framework for accountability and governance during emergencies that articulates,
 - (i) the roles and responsibilities of the Minister, the Commissioner of Emergency Management and the advisory committees established under subsection 2.0.2 (3) and section 2.0.4 during an emergency, and
 - (ii) the roles and responsibilities of each minister of the Crown presiding over a ministry of the Government of Ontario during an emergency.

Training and exercises

(3) The Minister shall conduct training programs and exercises respecting the planning framework's implementation.

Review

(4) At least every five years, the Lieutenant Governor in Council shall review the planning framework and issue a revised planning framework as needed.

Public availability

(5) The Minister shall make the planning framework available to the public on a website of the Government of Ontario or in such other manner as may be prescribed.

Reporting

(6) The Minister shall report annually on the planning framework to the Cabinet advisory committee established under section 2.0.4.

Not a regulation

(7) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to the planning framework.

12 Section 6.1 of the Act is repealed.**13 (1) Clause 6.1.1 (2) (a) of the Act is repealed and the following substituted:**

- (a) the roles and responsibilities of the Minister, the Commissioner of Emergency Management and the advisory committees established under subsection 2.0.2 (3) and section 2.0.4 during an emergency; and

(2) Subsection 6.1.1 (4) of the Act is amended by striking out "The Solicitor General, Commissioner of Emergency Management and Chief, Emergency Management Ontario" at the beginning and substituting "The Minister, the Commissioner of Emergency Management".

(3) Section 6.1.1 of the Act, as amended by subsections (1) and (2), is repealed.

14 (1) Section 6.2 of the Act is repealed.

(2) The Act is amended by adding the following section:

CRITICAL INFRASTRUCTURE EMERGENCY MANAGEMENT

Requirements re emergency management**Definition**

6.2 (1) In this section,

"critical infrastructure entity" means an entity that operates or provides critical infrastructure.

Requirement to develop, implement program or plan

(2) A prescribed critical infrastructure entity shall develop and implement an emergency management program, emergency management plan or both, as specified by the regulations.

Same

- (3) An emergency management program or emergency management plan required under subsection (2) shall,
- (a) be developed and implemented in accordance with the regulations; and
 - (b) meet the prescribed requirements and, in the case of an emergency management plan, also conform to the provincial planning framework.

15 The Act is amended by adding the following heading immediately before section 7:

PROVINCIAL DECLARATION OF EMERGENCY

16 The definition of “municipality” in section 7 of the Act is amended by striking out “of a municipality”.

17 Paragraph 1 of subsection 7.0.2 (4) of the Act is repealed and the following substituted:

- 1. Implementing any emergency management plans.

18 Subsection 7.0.3 (1) of the Act is amended by striking out “of the Legislature” at the end.

19 The Act is amended by adding the following heading immediately before section 8:

MISCELLANEOUS AND REGULATIONS

20 Sections 8, 8.1 and 9 of the Act are repealed.

21 The Act is amended by adding the following sections:

Review of emergency management programs and plans

9.1 (1) In this section,

“regulated entity” means a person or entity, other than the Lieutenant Governor in Council, that is required under this Act to develop an emergency management program or emergency plan.

Submission requirements re plans

(2) Every regulated entity shall submit a copy of its emergency plan and of any revisions to it to the Minister, and shall ensure that the Minister has the most current version.

Further information on request

(3) If required by the Minister for the purposes of clause 2 (2) (b), a regulated entity shall submit to the Minister any information, including written information, respecting its emergency management program or emergency plan that the Minister specifies, within the time and in the manner that the Minister specifies.

Directives

(4) If the Minister is satisfied that an emergency management program or emergency plan does not meet the requirements of this Act, the Minister may issue a directive to the regulated entity to make the modifications to the program or plan that the Minister specifies in the directive, within the time specified in the directive.

Minister’s guidelines

9.2 (1) The Minister may issue guidelines respecting the development or implementation of emergency management programs and emergency plans, or any other matter related to emergency management.

Same

- (2) For greater certainty, the guidelines may include guidance on,
- (a) the objectives of emergency management programs and emergency plans;
 - (b) the adequacy, effectiveness, co-ordination and continuous improvement of such programs and plans; and
 - (c) performance indicators for such programs and plans.

Public availability

(3) The Minister shall make the guidelines available to the public on a website of the Government of Ontario or in such other manner as may be prescribed.

22 Section 10 of the Act is repealed.

23 The definition of “municipality” in subsection 11 (5) of the Act is amended by striking out “of a municipality”.

24 Section 12 of the Act is repealed and the following substituted:

Right of action

12 (1) If money is expended or cost is incurred by a municipality or the Crown in connection with an emergency, including for the implementation of an emergency plan during an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost.

Definition

(2) In subsection (1),

“municipality” includes a local board and, despite subsection 6 (2) of the *Northern Services Boards Act*, a local services board.

25 (1) Subsection 13 (1) of the Act is amended by striking out “and the formulation and implementation of emergency plans” at the end and substituting “and emergency management plans”.

(2) Subsection 13 (2) of the Act is amended by striking out “and with the Crown in right of any other province” and substituting “or with the government of any other province or territory of Canada”.

26 (1) Sections 14 and 14.1 of the Act are repealed and the following substituted:

Regulations

14 The Lieutenant Governor in Council may make regulations governing anything necessary or advisable for the effective administration and implementation of this Act, including regulations,

- (a) respecting anything that, under this Act, may or must be prescribed or done by regulation;
- (b) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (c) governing the development and implementation of emergency management programs for the purposes of sections 2.1 and 5.1, including,
 - (i) governing the contents of emergency management programs and specifying other requirements that they must meet, and
 - (ii) governing the identification and assessment of matters under subsections 2.1 (3) and 5.1 (2);
- (d) governing the development and implementation of emergency management plans for the purposes of sections 3 and 6, including,
 - (i) governing the contents of emergency management plans and specifying other requirements that they must meet, and
 - (ii) requiring and governing training programs and exercises to ensure the readiness of specified persons to act under an emergency management plan;
- (e) requiring emergency management plans to be made public and governing the requirement, including providing that specified content be excluded from the requirement;
- (f) governing transitional matters that may arise from amendments made to this Act.

(2) Section 14 of the Act, as re-enacted by subsection (1), is amended by adding the following clause:

(d.1) for the purposes of section 6.2,

- (i) prescribing critical infrastructure entities for the purposes of subsection 6.2 (2), and requiring them to develop an emergency management program, emergency management plan or both,
- (ii) governing the development and implementation of emergency management programs required under subsection 6.2 (2), including governing the contents of emergency management programs and specifying other requirements that they must meet, and
- (iii) governing the development and implementation of emergency management plans required under subsection 6.2 (2), including,
 - (A) governing the contents of emergency management plans and specifying other requirements that they must meet, and
 - (B) requiring and governing training programs and exercises to ensure the readiness of specified persons to act under an emergency management plan;

27 The Act is amended by striking out “Solicitor General” wherever it appears and substituting in each case “Minister”.

28 The Act is amended by striking out “emergency plan” and “emergency plans” wherever they appear and substituting in each case “emergency management plan” and “emergency management plans” respectively.

Commencement

29 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Emergency Management Modernization Act, 2024* receives Royal Assent.

(2) Subsections 2 (1), (3), (4), (5) and (7) and 3 (2) and (3), sections 5 to 8, subsections 10 (1) and (3), section 11, subsections 13 (3) and 14 (2), sections 17, 20, 22 and 24, subsection 25 (1) and sections 26 and 28 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 2
MINISTRY OF COMMUNITY AND SOCIAL SERVICES ACT

1 The *Ministry of Community and Social Services Act* is amended by adding the following sections:

Directives

6.1 (1) The Minister may issue directives to entities prescribed by the regulations made under this Act that receive funding from the Minister to provide community and social services with respect to any extraordinary matters prescribed by those regulations and the provision of those community and social services.

Binding

(2) An entity to whom a directive is issued shall comply with it.

General or particular

(3) A directive may be general or particular in its application.

Law prevails

(4) For greater certainty, a provision of any applicable Act prevails in the event of a conflict between the provision and a directive issued under this section.

Public availability

(5) The Minister shall make every directive issued under this section available to the public.

Non-application of *Legislation Act, 2006*

(6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a directive issued under this section.

Compliance orders

6.2 (1) If the Minister has reasonable grounds to believe that an entity has failed to comply with a directive issued under subsection 6.1 (1), the Minister may issue an order requiring the entity to do either or both of the following:

1. Do anything, or refrain from doing anything, to achieve compliance with the directive within the time period specified in the order.
2. Submit and implement, within the time period specified in the order, a plan for achieving compliance with the directive.

Compliance required

(2) An entity to whom an order is issued shall comply with it within the time specified in it and, if the entity fails to do so, any funding provided to the entity by the Minister may be reduced or terminated at the discretion of the Minister.

Public availability

(3) The Minister,

- (a) may make an order issued under this section available to the public; and
- (b) shall make a summary of each order issued under this section available to the public in accordance with the regulations.

Offence

(4) Every person who knowingly contravenes an order issued under subsection (1) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to,

- (a) in the case of an individual, a fine of not more than \$5,000; or
- (b) in any other case, a fine of not more than \$25,000.

2 The French version of subsection 9 (4) of the Act is amended by striking out “participe” and substituting “consent”.

3 The French version of clause 13 (1) (g) of the Act is repealed and the following substituted:

- g) autoriser le ministre à faire fonctionner et à gérer l'établissement ou l'organisation assujetti à son contrôle en vertu de l'alinéa e) et, à cette fin et malgré les articles 25 et 39 de la *Loi sur l'expropriation*, autoriser le ministre à occuper et à faire fonctionner sans délai des locaux qu'occupe ou utilise l'établissement ou l'organisation ou à prendre des dispositions pour qu'une personne ou une organisation qu'il désigne occupe et fasse fonctionner ces locaux, sans que cela ait une incidence sur les droits que cette loi confère au propriétaire, à l'exception du droit de possession.

4 Section 17 of the Act is amended by adding the following clause:

- (a) prescribing entities or extraordinary matters for the purposes of subsection 6.1 (1) and the manner in which summaries of compliance orders under section 6.2 are to be made available to the public;

Commencement

5 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Emergency Management Modernization Act, 2024* receives Royal Assent.

(2) Sections 1 and 4 come into force on a day to be named by proclamation of the Lieutenant Governor.