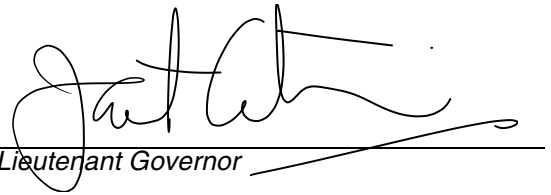


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 435

, Approved and Ordered July 6, 2024



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders the following:

- (a) the following provisions of the *Emergency and Disaster Management Act*, S.B.C. 2023, c. 37, are brought into force:
 - (i) section 41 (1) (a), (b) and (c);
 - (ii) section 43 (1) to (3) and (6) (a) to (c);
 - (iii) section 44;
 - (iv) section 198;
- (b) the *Emergency and Disaster Management Regulation*, B.C. Reg. 235/2023, is amended as set out in the attached Schedule.



Minister of Emergency Management and Climate
Readiness



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency and Disaster Management Act*, S.B.C. 2023, c. 37, ss. 163, 166, 167, 173 (2) and 209

Other: OIC 617/2023

R10733218

SCHEDULE

1 The Emergency and Disaster Management Regulation, B.C. Reg. 235/2023, is amended by adding the following heading before section 1:

Division 1 – Interpretation and General Matters .

2 The following sections are added:

Definition of “emergency system”

2.1 For the purposes of the definition of “emergency system” in section 1 (1) of the Act, a system that is designed to give warnings or notices to the public if an emergency is present is an emergency system if the warnings or notices are geographically targeted and are delivered by one or more of the following means:

- (a) television;
- (b) radio;
- (c) telephone;
- (d) fax;
- (e) internet connected devices;
- (f) sirens;
- (g) digital highway displays;
- (h) manual warning systems;
- (i) any other similar means.

Definition of “treaty area”

3.1 (1) For the purposes of the definition of “treaty area” in section 1 (1) of the Act, the following treaty areas are prescribed:

- (a) the Nass Area, as defined in the Definitions Chapter of the Nisga’a Final Agreement, is prescribed as a treaty area of the Nisga’a Nation;
- (b) an area described in column 2 of the following table is prescribed as a treaty area of the Maa-nulth First Nation identified opposite in column 1:

Column 1 Treaty First Nation	Column 2 Treaty Area
the Huu-ay-aht First Nations	the Maa-nulth First Nation Area of Huu-ay-aht First Nations as described in Appendix A-1 of the Maa-nulth First Nations Final Agreement
the Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations	the Maa-nulth First Nation Area of Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations as described in Appendix A-2 of the Maa-nulth First Nations Final Agreement

the Toquaht Nation	the Maa-nulth First Nation Area of Toquaht Nation as described in Appendix A-3 of the Maa-nulth First Nations Final Agreement
the Uchucklesaht Tribe	the Maa-nulth First Nation Area of Uchucklesaht Tribe as described in Appendix A-4 of the Maa-nulth First Nations Final Agreement
the Yuułuʔiłʔatḥ, being the Ucluelet First Nation as defined in section 29.1.1 of the Maa-nulth First Nations Final Agreement	the Maa-nulth First Nation Area of Ucluelet First Nation as described in Appendix A-5 of the Maa-nulth First Nations Final Agreement

(c) an area described in column 2 of the following table is prescribed as a treaty area of the treaty first nation identified opposite in column 1:

Column 1 Treaty First Nation	Column 2 Treaty Area
the Tla'amin Nation	the Tla'amin Area. the following areas as described in Appendix P of the Tla'amin Final Agreement: <ul style="list-style-type: none"> (a) Shared Harvest Area between Tla'amin and Homalco Indian Band; (b) Shared Harvest Area between Tla'amin and Klahoose First Nation; (c) Shared Harvest Area between Tla'amin and Homalco Indian Band and Klahoose First Nation.
the Tsawwassen First Nation	the Tsawwassen Territory

(2) Words and expressions used in subsection (1) (b) or (c) in relation to a specific treaty first nation and defined in the final agreement of that treaty first nation have the same meaning as in that final agreement.

Provincial administrator must make information available

- 6.1** (1) For the purposes of section 39 (4) of the Act, the provincial administrator must make the following available to the public:
- (a) if, in the opinion of the provincial administrator, a risk assessment prepared or revised by a lead minister is complete, the risk assessment;
 - (b) the comprehensive emergency management plan.
- (2) Subsection (1) does not apply to the following:
- (a) any information that, in the opinion of the provincial administrator, could reasonably be expected to increase the risk of an emergency occurring;

- (b) information that may not or must not be disclosed under the following provisions of the *Freedom of Information and Protection of Privacy Act*:
- (i) section 12 (1) [*cabinet confidences*];
 - (ii) section 13 (1) [*policy advice or recommendations*];
 - (iii) section 14 [*legal advice*];
 - (iv) section 15 (1) or (2) [*disclosure harmful to law enforcement*];
 - (v) section 16 (1) [*disclosure harmful to intergovernmental relations or negotiations*];
 - (vi) section 17 (1) [*disclosure harmful to the financial or economic interests of a public body*];
 - (vii) section 18 [*disclosure harmful to the conservation of heritage sites, etc.*];
 - (viii) section 18.1 (1) [*disclosure harmful to interests of an Indigenous people*];
 - (ix) section 19 (1) or (2) [*disclosure harmful to individual or public safety*];
 - (x) section 21 (1) or (2) [*disclosure harmful to business interests of a third party*];
 - (xi) section 22 [*disclosure harmful to personal privacy*];
 - (xii) section 22.1 (2) [*disclosure of information relating to abortion services*].

3 The following Division is added:

Division 2 – Emergency Management Planning by Lead Ministers

Designation of lead ministers

- 8** Each minister who is responsible for the administration of an Act, or portion of an Act, set out in column 1 of the Schedule is designated as a lead minister.

Risk assessments by lead ministers

- 9** (1) For the purposes of section 44 (2) (a) of the Act, a minister responsible for the administration of an Act, or portion of an Act, set out in column 1 of the Schedule must prepare and maintain one or more risk assessments with respect to the hazards set out opposite in column 2.
- (2) Each risk assessment prepared by a lead minister must do the following:
- (a) be coordinated, and consistent in terms of methodology, format and content, with the risk assessments prepared by other lead ministers;
 - (b) assess how each hazard may cause, be the result of or otherwise relate to other hazards;
 - (c) assess the potential impact each hazard may have on food and water security.

Emergency management plans by lead ministers

- 10** (1) For the purposes of section 44 (2) (b) of the Act, a minister responsible for the administration of an Act, or portion of an Act, set out in column 1 of the Schedule must prepare and maintain one or more emergency management plans with respect to the hazards set out opposite in column 2.
- (2) Each emergency management plan prepared by a lead minister must be coordinated, and consistent in terms of methodology, format and content, with the emergency management plans prepared by other lead ministers.

Consultation and coordination with local authorities

- 11** For the purposes of section 54 (a) (i) of the Act, in the case of a lead minister that is required to prepare or review and revise a risk assessment or an emergency management plan, a local authority, other than the Nisga'a Nation or a treaty first nation, that meets both of the following requirements is in the prescribed class:
- (a) the local authority has jurisdiction over an area
 - (i) that includes an area or people in an area that may be affected by a hazard that is required to be included in the risk assessment, or
 - (ii) to which the emergency management plan applies;
 - (b) the local authority requests to be consulted in accordance with that provision.

4 The following Schedule is added:

SCHEDULE

Emergency Management Planning by Lead Ministers

Definition for Schedule

- 1** In this Schedule, “**provincial public highway**” has the same meaning as in section 1 of the *Transportation Act*.

Column 1 Act	Column 2 Hazards
<i>Animal Health Act</i>	Diseases and Epidemics: (a) animal diseases.
<i>Assistance to Shelter Act</i>	Atmospheric: (a) extreme temperature as it relates to housing.
<i>Dike Maintenance Act</i>	Hydrologic: (a) flooding, including: (i) riverine flooding; (ii) flooding caused by ice jams and debris flows; (iii) coastal flooding (including sea level rise); (b) paragraph (a) does not include flooding caused by ice jams and debris flows that affects provincial public highways.

Column 1 Act	Column 2 Hazards
<i>Emergency and Disaster Management Act</i>	<p>Atmospheric: (a) extreme temperature (other than extreme temperature as it relates to housing or public health).</p> <p>Geologic: (a) earthquakes; (b) tsunamis; (c) volcanic eruptions (including ash falls, mud flows, pyroclastic flows and lava flows).</p>
<i>Energy Resource Activities Act, other than Division 2 of Part 2</i>	<p>Explosions and Emissions: (a) gas explosions or leaks relating to gas wells, refineries or power generation facilities; (b) gas explosions or leaks relating to pipelines.</p>
<i>Environmental Management Act, Part 7</i>	<p>Hazardous Materials: (a) hazardous spills (on site or on a transport route).</p>
<i>Fire Safety Act</i>	<p>Explosions and Emissions: (a) explosions (other than gas explosions or leaks or mine explosions).</p> <p>Fires: (a) fires (other than wildfires or interface fires).</p>
<i>Hydro and Power Authority Act</i>	<p>Power Outages: (a) electrical power outages or overloads.</p>
<i>Land Act</i>	<p>Geologic: (a) landslides that do not affect provincial public highways.</p>
<i>Mines Act</i>	<p>Explosions and Emissions: (a) mine explosions.</p>
<i>Plant Protection Act, other than provisions of that Act as they relate to the treatment of the Spongy Moth</i>	<p>Diseases and Epidemics: (a) plant diseases; (b) pest infestations.</p>

Column 1 Act	Column 2 Hazards
<i>Police Act</i> , other than Part 7.1	Civil Unrest: (a) riots; (b) public disorder. Terrorism: (a) terrorism (hostile acts against state, war).
<i>Public Health Act</i> , other than sections 3, 4 and 66 as those provisions relate to mental health and addictions	Atmospheric: (a) extreme temperature as it relates to public health. Diseases and Epidemics: (a) human diseases. Hazardous Materials: (a) radiation; (b) infectious materials or biohazards.
<i>Transportation Act</i>	Accidents: (a) motor vehicle incidents relating to provincial public highways. Geologic: (a) landslides, avalanches, debris avalanches and debris flows that affect provincial public highways. Hydrologic: (a) ice jams that affect provincial public highways.
<i>Water Sustainability Act</i>	Hydrologic: (a) dam incidents and failure (includes foundations and abutments); (b) drought and water scarcity.
<i>Wildfire Act</i> , other than as it relates to (a) the collection of public money, as defined in section 1 of the <i>Financial Administration Act</i> , other than a fine, or (b) the administration of deposits and securities payable.	Fires: (a) wildfires and interface fires.