



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 173

## **Civil Protection Act**

---

---

**Introduction**

**Introduced by  
Mr Serge Ménard  
Minister of Public Security**

---

**Québec Official Publisher  
2000**

## **EXPLANATORY NOTES**

*The object of this bill is the protection of human life and property against disasters and other events of a similar nature. The bill establishes an organizational framework for the four main aspects of civil protection, namely mitigation, emergency response planning, response in actual or imminent emergency situations and recovery.*

*The bill imposes general obligations of prudence and foresight on all citizens and requires persons whose activities or property pose a disaster risk to report the risk and implement safety measures.*

*Authorities at the municipal level will be asked, as part of a regional planning phase, to identify disaster risks as well as the resources available, assess the vulnerability of communities, determine safety objectives and the actions required for their achievement. Local municipalities will be given the power to declare, in the event of a disaster and on certain conditions, a local state of emergency, in which case special powers mainly aimed at protecting the life, health and physical integrity of the inhabitants of the municipality will be exercised by the local municipality, the mayor or any other person authorized for that purpose.*

*The responsibilities of government departments and government bodies having a role to play in civil protection matters are also defined.*

*The role of the Minister of Public Security is to provide guidance and support in the area of civil protection. The Minister is also charged with drawing up and updating a national civil protection plan for Québec, designed, among other things, to supplement and coordinate the actions of other emergency managers.*

*The bill empowers the Government to declare, in the event of a disaster, a national state of emergency in all or part of the territory of Québec to protect human life, health or physical integrity. In addition, it empowers the Government to prescribe emergency preparedness standards and to grant financial assistance for the funding of mitigation activities, for the compensation of the costs incurred in a disaster situation or in any other situation where public safety is threatened or for the facilitating of recovery operations.*

**LEGISLATION REPLACED BY THIS BILL :**

- Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1).

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Fire Safety Act (2000, chapter 20).



# Bill 173

## CIVIL PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### CHAPTER I

#### PURPOSE AND SCOPE

**1.** The purpose of this Act is the protection of persons and property against disasters and major accidents, through mitigation measures, emergency response planning, response operations in actual or imminent emergency situations and recovery operations.

**2.** For the purposes of this Act,

(1) “disaster” means an event caused by a fire, an explosion, an accident, a technical failure or a natural phenomenon, whether or not resulting from human intervention, that causes serious harm to persons or substantial damage to property ;

(2) “major accident” means an event of a nature similar to a disaster that causes harm to one or a few persons or damage to their essential property and possessions ;

(3) “civil protection authorities” means local municipalities, authorities to which local municipalities have delegated their responsibility for civil protection and authorities which by law are responsible for civil protection in all or part of their territory ; and

(4) “government bodies” means bodies a majority of whose members are appointed by the Government or a minister, whose personnel is by law appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) or whose capital forms part of the public domain.

**3.** This Act shall not operate to limit obligations imposed or powers granted by or under other Acts as regards civil protection.

**4.** This Act is binding on the Government, government departments and bodies that are mandataries of the State.

## **CHAPTER II**

### **PERSONS**

**5.** All persons must exercise prudence and foresight with regard to disaster or major accident risks they know to be present in their environment.

**6.** Any person who settles on a site where occupation of the land is commonly known to be subject to special restrictions by reason of a disaster or major accident risk without abiding by such restrictions is presumed to accept the risk involved.

However, such presumption may not be invoked against a person by a public authority if the public authority authorized the person to settle on the site without informing the person of the risk.

This section does not apply with respect to structures existing on (*insert here the date of coming into force of this section*), unless the destination of an immovable is changed after that date, which shall be considered a new settlement for the purposes of this section.

**7.** A public authority must refuse to issue a permit or any other such authorization for the carrying out of work or the use of an immovable on a site described in section 6, even though the requirements for the issue of the authorization have been met, if the authority considers that additional restrictions or a ban should be imposed by reason of the risk involved.

The authorization must nevertheless be issued to the applicant if the new requirements are not put into force within six months of the application or if, and as soon as, the authority decides not to modify existing requirements.

## **CHAPTER III**

### **RISK GENERATORS**

**8.** Every person whose activities or property pose a disaster risk, according to a regulation of the Government or a by-law of a local municipality, is bound to report the risk within three months of becoming subject to the regulation or by-law. An extension of up to 12 months may be granted if the risk generator shows that the obligation cannot, for cause, be fulfilled within the prescribed time.

The risk shall be reported to the local municipality where the source of the risk is located or, if it is located in territory unorganized for municipal purposes or if the risk is reportable in two or more localities, to the Minister.

The report must set out, in addition to the risk posed by the activity or property, the location of the source of the risk and the probability and

foreseeable consequences of a disaster, including the area that could be affected or the various impact zones. The report must also set out the safety measures implemented and the resources at the disposal of or enlisted by the risk generator, unless the risk generator is required to establish measures pursuant to the second paragraph of section 12.

**9.** If changes occur that make the information set out in the report inaccurate, the risk generator is bound to make the necessary corrections.

Upon ceasing the activity or disposing of the property, the risk generator is bound to give notice to that effect to the authority to which the risk was reported, together with a statement describing the manner in which the risk-generating property or components has or have been disposed of.

**10.** The reporting of risks under another Act or its statutory instruments shall stand in lieu of the reporting required by this Act, provided the reporting is to the same authority and meets the requirements of this Act.

The same applies to correction notices and notices reporting the cessation of risk-generating activities or the disposal of risk-generating property.

**11.** The authority that receives a risk report, correction or notice must, within 30 days of receipt, transmit copies to every local municipality whose territory, according to the report, is exposed to the risk, and to the regional authority in whose territory such local municipality is situated or, where applicable, to the regional authority in whose territory the territory of the authority is situated and to the civil protection authorities.

All such documents must be kept at the disposal of the Minister at all times.

**12.** Every risk generator must, in addition, in collaboration with the civil protection authorities in the territories exposed to the risk and within the time fixed by those authorities, establish and maintain a monitoring and warning procedure. Before the procedure is established, the risk generator must, as soon as practicable, make an agreement with the authorities concerning a provisional warning procedure.

The by-law or regulation under which the risk is reportable may require a risk generator to establish and maintain other safety measures within the time and in accordance with the conditions set out in the by-law or regulation. The by-law or regulation may prescribe conditions and time limits that vary depending on the risk, the location of the source of the risk and the probability or foreseeable consequences of a disaster, and may exempt a risk generator from the application of one or more of its provisions.

External emergency response measures enlisted by the risk generator must be compatible with the measures established by the civil protection authorities. The person and substitutes in charge of implementing any mandatory measure must be identified by name and coordinates.

**13.** A civil protection authority in a territory exposed to a reportable risk may require that the risk generator, the operator or the custodian of the property or site of the activities, or their representatives, provide any information necessary for the development or implementation of its own safety measures.

**14.** Every risk generator must inform the civil protection authorities without delay of any risk-related incident capable of causing harm to persons or damage to property.

The risk generator must, in addition, within three months of such an incident, inform the civil protection authorities of the date, time, place, nature, probable cause and circumstances of the incident and the response operations conducted. However, any information whose disclosure would in all likelihood affect judicial proceedings in which the risk generator has an interest may be reported only once the judgment in the case has become *res judicata*.

**15.** Municipal by-laws made under this chapter shall be submitted to the Government for approval.

## **CHAPTER IV**

### **LOCAL AND REGIONAL AUTHORITIES**

#### **DIVISION I**

##### **CIVIL PROTECTION PLAN**

**16.** Regional county municipalities, urban communities and the Kativik Regional Government, in conjunction with the local municipalities within their territories, must establish, in compliance with the policies determined by the Minister, a civil protection plan designed to determine reduced disaster vulnerability objectives for their entire territory and the actions required to achieve those objectives.

The cities of Laval and Mirabel have the same obligation with regard to their territory. For the purposes of this division, the cities of Laval and Mirabel are considered to be regional authorities.

Unless it is also considered to be a regional authority on the authorization of the Minister, any other local municipality whose territory is not within the territory of a regional authority must make an agreement with a regional authority or a local authority whereby the territory of the local municipality will be considered to be within the territory of that authority for the purposes of this division, or make an agreement with other municipalities that are in the same situation for the purpose of establishing a common civil protection plan for their combined territories. In the latter case, one of the municipalities, designated for that purpose in the agreement, is considered to be a regional authority for the purposes of this division.

**17.** All or part of the civil protection plan of a regional authority may be established jointly with other regional authorities, either to identify the disaster risks to which their territories or the territories of local municipalities are exposed as well as the resources available, or to envisage an association of civil protection authorities.

**18.** The civil protection plan shall include a summary description of the physical, natural, human, social and economic features of the territory. It shall identify the disaster risks to which the territory is exposed, including the risks reported pursuant to section 8, and shall specify, in each case, the location of the source of the risk and the area exposed to the risk or the potential disaster impact zones. It shall also record existing safety measures and the human, physical and informational resources at the disposal of local or regional authorities and civil protection authorities in the event of a disaster.

Based on that information, the civil protection plan shall assess the degree of vulnerability of local municipalities to each risk or class of risks identified, given the probability and foreseeable consequences of a disaster in relation to emergency response capabilities, including the capacity for recovery after a disaster.

In order to reduce vulnerability, the civil protection plan shall then determine, for the risks or classes of risks it specifies or all or part of the territory, achievable safety objectives in view of planned measures and available resources.

In addition, the civil protection plan shall specify the actions and the criteria for their implementation adopted by the local municipalities and, where applicable, the regional authority, to achieve the determined objectives.

Lastly, the civil protection plan shall include a procedure for the periodic assessment of the actions taken pursuant to the plan and the degree to which the determined objectives have been achieved.

**19.** The civil protection plan may include all or part of the fire safety cover plan established pursuant to the Fire Safety Act (2000, chapter 20).

**20.** The civil protection plan must be established, in accordance with the procedure set out in the following sections, after a notice to that effect is notified to the regional authority by the Minister.

**21.** Local municipalities must provide the regional authority with the information needed for the development of the civil protection plan. They must also indicate the means they may use to optimize the use of their resources, and the additional emergency preparedness measures or resources they are willing to develop.

In addition, a municipality whose territory is exposed to a natural disaster risk must inform every local municipality whose territory is also exposed to

the risk of the nature and location of the source of the risk and the probability and foreseeable consequences of a disaster, including the area that could be affected or the various disaster impact zones.

**22.** Based on the information received and following an assessment of the vulnerability of the municipalities, the regional authority shall propose safety objectives to them with respect to the risks, classes of risks or all or part of the territory it specifies. The objectives may pertain to disaster mitigation, aimed either at eliminating or reducing the probability of a disaster or at mitigating the consequences of a disaster, to emergency response to an actual or imminent disaster situation and to post-disaster recovery.

The regional authority shall also propose strategies for achieving the objectives, such as the pooling of resources, the training of personnel, the adoption of regulatory standards or the separate management of a risk or class of risks.

**23.** The municipalities shall give their views to the regional authority concerning its proposals.

Once the exchange of views is completed, the regional authority shall fix the objectives and determine the actions needed at the regional or local level or in part of the territory to achieve the objectives.

**24.** Each municipality concerned and, if appropriate, the regional authority, shall then determine the specific actions they must take and the criteria for their implementation, specifying, in particular, the area of jurisdiction of the authority in charge, the resources allocated to the measures envisaged, any necessary intermunicipal agreements, the actions applicable immediately or, as concerns other actions, the implementation phases and schedules.

The specific actions and the related implementation criteria shall be adopted by each authority that is to be in charge thereof or, in the case of an intermunicipal board, jointly by the municipalities concerned.

**25.** Before incorporating the specific actions and the related implementation criteria into the civil protection plan, the regional authority shall verify that they are in compliance with the objectives and actions determined in the plan.

The regional authority shall establish a procedure for the periodic assessment of the specific actions and the degree to which objectives have been achieved.

**26.** The draft civil protection plan shall be submitted for consultation to the inhabitants of the territory of the regional authority at a public meeting held by the authority, to the contiguous regional authorities and to the local municipalities whose territories are not included in that of the authority having developed the plan but which, according to the plan, are exposed to a risk identified in the plan.

**27.** Changes may be made to the civil protection plan and, if appropriate, to the specific actions and the related implementation criteria, so as to reflect the results of consultations.

**28.** The draft civil protection plan shall then be submitted to the Minister for verification of its compliance with the ministerial policies determined under section 64.

The draft plan must be submitted together with

(1) the opinion of each local municipality having taken part in its development; and

(2) a report on the consultations, the results of the consultations and the reasons for any disagreement expressed.

The draft plan must be submitted before the second anniversary of the notice prescribing the establishment of a civil protection plan. Additional time may be granted by the Minister if applied for at least 120 days before the deadline.

**29.** Within 120 days of receipt of all the documents, the Minister shall issue a certificate of compliance to the regional authority or propose that changes he or she considers necessary be made to the civil protection plan, within the time indicated, to remedy any deficiency or to harmonize the civil protection plans applicable in an area determined by the Minister.

**30.** The changes proposed by the Minister may be made by the regional authority or, in the case of changes to specific actions or the related implementation criteria, by the authority concerned, without being submitted for consultation.

**31.** Once the certificate of compliance has been issued, the civil protection plan is adopted as it stands.

Only the council of the regional authority may adopt the civil protection plan. On pain of nullity, such adoption must be preceded by a notice of meeting sent together with a copy of the draft plan.

**32.** The civil protection plan comes into force on the day the regional authority publishes a notice to that effect in a newspaper circulated in its territory, on any later date specified in the notice or, at the latest, on the sixtieth day after the issue of the certificate of compliance.

**33.** Once in force, the civil protection plan is binding on the regional authority and the local municipalities concerned.

**34.** As soon as possible after its coming into force, a certified copy and a summary of the civil protection plan shall be sent to the local municipalities

concerned, to those whose territories, according to the plan, are exposed to a risk identified in the plan, to the contiguous regional authorities and to the Minister.

The same applies any time a change is made to the plan.

**35.** Changes may be made to the civil protection plan, once it is in force, so as to reflect technological changes, a change in territorial limits or an increase in a disaster risk, or for any other valid reason, provided that compliance with ministerial policies is maintained.

The plan must be adapted to bring it into compliance with any new ministerial policies. The necessary changes must be made within 12 months of the communication of the new policies.

**36.** In addition, the civil protection plan must be revised during the sixth year following the date of its coming into force or the date of its most recent certificate of compliance.

**37.** Any change made to the civil protection plan to bring it into compliance with ministerial policies or to modify safety objectives, curtail actions or extend deadlines, and any revision of the civil protection plan, must be effected according to the procedure set out for the development of the plan.

**38.** The civil protection plan, and any change thereto having received a certificate of compliance from the Minister, is deemed to be in compliance with ministerial policies, and the specific actions and the related implementation criteria, once adopted in accordance with the procedure set out in this division, are deemed to be in compliance with the objectives determined in the plan.

**39.** All mitigation, emergency preparedness, emergency response and recovery measures established in accordance with the civil protection plan, including monitoring, warning and mobilization procedures and the planning of preparatory exercises, shall be incorporated, by the authority designated for that purpose in the civil protection plan, into a document called an “emergency preparedness plan” or, if the measures are dedicated to the management of one specific risk or class of risks, into a document called a “risk management plan”.

The persons and substitutes in charge of implementing the measures contained in each such plan must be identified in the plan by name and coordinates.

A certified copy of each such plan and of any subsequent change to the plan must be forwarded to the regional authority and to each local municipality and civil protection authority in the territory concerned.

Such plans must be kept up to date and at the disposal of the Minister at all times.

**40.** So that citizens may be informed, every local municipality must keep all documents forwarded to it pursuant to section 34, 39 or 82 in its offices, for the purposes of consultation and reproduction in accordance with the applicable legislative provisions.

To the same end, the regional authority must distribute a summary of the civil protection plan throughout its territory, as soon as possible after its adoption, together with information on how it may be consulted and reproduced.

**41.** Any local or regional authority or civil protection authority that fails to participate in the establishment of a civil protection plan or to establish safety measures as required, or fails to implement the established safety measures although they were clearly required by the situation, may be required to pay all or part of the expenses incurred, for its benefit, by other public authorities or government bodies and made necessary by its inaction.

The amount of the expenses and the terms and conditions of payment shall be determined by the Minister after giving the delinquent authority an opportunity to present observations.

## **DIVISION II**

### **DECLARATION OF A LOCAL STATE OF EMERGENCY**

**42.** A local municipality may declare a state of emergency in all or part of its territory where, in an actual or imminent disaster situation, immediate action is required to protect human life, health or physical integrity which, in its opinion, it is unable to take within the scope of its normal operating rules or of any applicable emergency preparedness or risk management plan.

**43.** A state of emergency declared by a municipal council is effective for a maximum period of five days at the expiry of which it may be extended on the authorization of the Minister, as many times as necessary, for a maximum period of five days.

If the municipal council is unable to meet immediately, the mayor or, if the mayor is absent or unable to act, the acting mayor may declare a state of emergency for a maximum period of 24 hours.

**44.** When a state of emergency is declared, the nature of the disaster, the territory concerned, and the circumstances warranting and the effective period of the state of emergency must be specified and the mayor, the acting mayor, an officer of the municipality or a civil protection authority in the territory concerned may be authorized to exercise one or more of the powers set out in section 47.

**45.** The state of emergency is effective as soon as it is declared or renewed.

Notice of the state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the Minister, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

**46.** While the state of emergency is in effect, the municipal council may hold its meetings at any place, even outside the territory of the municipality, if necessary. The council members may deliberate and vote by means of telephone or other communications equipment enabling them to take part in the meeting.

**47.** Notwithstanding any provision to the contrary, save measures implemented under the provisions of section 93, while the state of emergency is in effect, the municipality or any person empowered to act on its behalf upon the declaration of the state of emergency may, to protect human life, health or physical integrity,

(1) control access to or enforce special rules on or within the roads or the territory concerned;

(2) grant authorizations or exemptions in areas under the jurisdiction of the municipality, for the time it considers necessary for the rapid and efficient conduct of emergency response operations;

(3) where there is no safe alternative, order the evacuation of the inhabitants of all or part of the territory concerned or, on the advice of public health authorities, order their confinement and, where no other resources are available, make arrangements for adequate shelter facilities, the provision of food and clothing and the maintenance of security;

(4) require the assistance of any citizen capable of assisting the personnel deployed;

(5) requisition rescue services and private shelter facilities within its territory other than the services and shelter facilities requisitioned for the implementation of an emergency preparedness plan adopted under this chapter or a civil protection plan adopted under Chapter VI; and

(6) make any expenditure or contract it considers necessary.

The municipality, the members of the council or a person empowered to act upon the declaration of the state of emergency may not be prosecuted for any act in good faith done in the exercise of such powers.

**48.** Where the municipality requisitioned the assistance or the facilities of a person under subparagraph 4 or 5 of the first paragraph of section 47, the municipality must, within three months of receipt of an application filed by the person concerned, compensate the person on the basis of the current rental price for services or facilities of the same type immediately before the disaster.

The municipality is also required to compensate the person for any damage caused by the municipality, except damage that clearly would have resulted from the disaster in any case.

Entitlement to such compensation is prescribed one year after the end of the state of emergency.

**49.** The municipal council may lift the state of emergency as soon as it considers that it is no longer necessary.

Notice of the end of the state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the Minister, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

**50.** The Minister may lift the state of emergency at any time if the Minister considers it appropriate.

Notice of the end of the state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the municipality, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

**51.** Every person empowered to act upon the declaration of a state of emergency shall report in detail to the municipal council, at its first meeting following the end of the state of emergency.

**52.** Within three months after the end of the state of emergency, the municipal council must submit an emergency situation report to the regional authority setting out the date, time, site, nature, probable causes and circumstances of the actual or apprehended disaster, the date and time of the declaration of the state of emergency and its duration, the response and recovery operations conducted and the powers exercised under section 47.

However, any information whose disclosure would in all likelihood affect judicial proceedings in which the municipality, a member of the municipal council or a person empowered to act upon the declaration of a state of emergency has an interest may be reported only once the judgment in the case has become *res judicata*.

### **DIVISION III**

#### **OTHER RESPONSIBILITIES AND MUTUAL ASSISTANCE**

**53.** Every local municipality is responsible for the carrying out, in its territory, of the provisions of Chapter III concerning risk generators.

For that purpose, the inspectors of the municipality or of any authority to which the municipality delegates such responsibility may

(1) enter and inspect, at any reasonable time, any premises where they have reasonable cause to believe that an activity or property posing a reportable risk is carried on or is located;

(2) take photographs of the premises; and

(3) require any information, explanation or document relevant to the carrying out of Chapter III.

Inspectors must, on request, produce identification and a certificate of capacity.

The municipality, the delegate authority or their inspectors may not be prosecuted by reason of any act in good faith done in the exercise of such functions.

**54.** Where human life, health or physical integrity is threatened by an actual or imminent disaster situation, any person designated for that purpose by a civil protection authority may

(1) require, within the area of jurisdiction of the authority, any expert, risk generator or person whose activities or property are threatened or affected by the disaster and constitute a potential source of disaster aggravation to provide scientific, technical or other information, and gain access to the location of the activities or property or to the disaster site in order to assess how the risk is or could be affected by the disaster or, in the case of the disaster site, to ascertain the causes, development and potential effects of the disaster; and

(2) disclose to the persons concerned the information obtained that is necessary for their safety.

A civil protection authority or a person designated by such an authority may not be prosecuted by reason of any act in good faith done in the exercise of such functions.

**55.** Local and regional authorities must take part in information efforts so that citizens may become involved in the pursuit of the objectives of this Act, in particular by disseminating advice on the safety measures they may take if there is a risk of a disaster or major accident in their environment, and by informing them of the safety measures taken by civil protection authorities.

**56.** A local municipality may, by by-law, establish a civil protection service in charge of protecting human life and property against disasters and major accidents.

**57.** In the face of a disaster or major accident or the threat thereof in its territory or in the area of jurisdiction of its civil protection service which exceeds its emergency response capabilities, a local municipality may, through its mayor or, if the mayor is absent or unable to act, through the acting mayor

or two other members of the municipal council, or through any municipal officer designated for that purpose by by-law, call upon their municipal counterparts to obtain the intervention or assistance of another municipality or its civil protection service.

The cost of the assistance shall be borne by the municipality having requested it, according to a reasonable tariff established by resolution of the assisting municipality, unless the municipalities concerned decide otherwise.

However, such exceptional outside assistance must not be taken into consideration in the development of a civil protection plan, an emergency preparedness plan or risk management plan.

This section applies, with the necessary modifications, to all civil protection authorities.

**58.** Any civil protection authority in whose area of jurisdiction a disaster or major accident occurred or was apprehended requiring response operations under the authority's responsibility according to the civil protection plan must, within three months following the emergency, report to the regional authority the date, time, site, nature, probable causes and circumstances of the event and the emergency response and recovery operations conducted.

However, any information whose disclosure would in all likelihood affect judicial proceedings in which the authority has an interest may be reported only once the judgment in the case has become *res judicata*.

**59.** Within three months after the end of its fiscal year, every regional authority must adopt by resolution, and submit to the Minister, a report on the actions taken pursuant to its civil protection plan and the degree to which the determined objectives have been achieved, along with its civil protection projects for the coming year. The report must be submitted together with

(1) a document identifying the authorities that failed to take the actions for which they are responsible under the civil protection plan ; and

(2) any emergency situation reports submitted to the authority pursuant to section 52 or 58.

## **CHAPTER V**

### **GOVERNMENT DEPARTMENTS AND GOVERNMENT BODIES**

**60.** All government departments and government bodies shall, where so requested by the Minister and according to their respective responsibilities,

(1) identify and describe the essential goods and services they provide ;

- (2) assess the disaster risks to which such goods and services are exposed;
- (3) identify the safety measures they have established with regard to such risks; and
- (4) establish the degree of vulnerability of the different goods and services identified, on the basis of the probability and foreseeable consequences of a disaster in relation to their emergency response capabilities, including their capacity for recovery after a disaster.

Government departments and government bodies are also required to establish and maintain safety measures to reduce the vulnerability of the essential goods and services identified, and to designate, and identify by name and coordinates, the person and substitutes in charge of implementing the safety measures.

**61.** Government departments and government bodies shall, where so requested by the Minister, lend their assistance to the Minister for civil protection purposes in the areas under their jurisdiction, in particular by

- (1) communicating to the Minister, for the development of Québec's national civil protection plan provided for in section 80, information concerning the identification of disaster risks, their knowledge concerning such risks, the causes and foreseeable consequences of a disaster, their research on and the monitoring of activities or property that pose risks, and their mitigation, emergency response planning, emergency response and recovery activities; and

- (2) informing the Minister of the human, physical and informational resources that can be called upon for the purposes of Québec's national civil protection plan.

In addition, they shall take part, as directed in the national civil protection plan, in the implementation of the plan, and in assessment and preparatory exercises.

## **CHAPTER VI**

### **MINISTER OF PUBLIC SECURITY**

#### **DIVISION I**

##### **FUNCTIONS**

**62.** The Minister of Public Security is responsible for civil protection.

The Minister is charged with proposing general policies to the Government in this regard.

**63.** The Minister shall advise government departments and government bodies with regard to civil protection and facilitate the coordination of their actions.

**64.** The Minister is charged with setting policies, for the benefit of regional and local authorities, concerning disaster mitigation, emergency response planning, emergency response to actual or imminent disaster situations and recovery operations.

To that end, the Minister shall list and describe disaster safety objectives and may specify minimum civil protection measures, in particular to ensure compatibility between the measures established by various emergency managers which must be taken into consideration by regional and local authorities in establishing their civil protection plan, including the specific actions to be included in that plan.

The Minister may grant financial support to a regional or local authority, subject to the conditions determined by the Minister, for the establishment, modification or revision of a civil protection plan or for the carrying out of the actions determined in that plan, or to a civil protection authority for the establishment or updating of an emergency preparedness or risk management plan.

**65.** The Minister shall publish the policies he or she intends to establish for the benefit of regional and local authorities in the *Gazette officielle du Québec*, together with a notice inviting interested persons to submit their views to the Minister within the time specified.

Once established, the policies shall be published in the *Gazette officielle du Québec*.

**66.** The Minister shall advise regional, local and civil protection authorities with respect to civil protection matters and ensure that they fulfil their responsibilities under this Act.

To that end, the Minister may send them guidelines concerning any matter within the purview of this Act or its statutory instruments, and request any relevant information concerning their projects and achievements.

**67.** In addition, the Minister may

(1) require civil protection authorities to provide all the information needed for the development or implementation of Québec's national civil protection plan or the safety measures of government departments and government bodies;

(2) require government departments and government bodies to provide all the information needed for the development of a civil protection plan and forward the information to the regional authorities concerned;

(3) conduct, commission or facilitate research on disaster and major accident mitigation, disaster risk management, emergency response planning or any other civil protection matter ;

(4) propose, coordinate or carry out activities or work designed to eliminate or reduce disaster or major accident risks, mitigate the consequences of a disaster or major accident and facilitate emergency response and recovery operations ;

(5) conduct statistical analyses and studies on emergency preparedness at Québec's national, regional or local level, or on its individual, social or economic repercussions, and make the results public ;

(6) grant financial support to civil protection authorities, subject to the conditions determined by the Minister, for the carrying out of projects under paragraphs 3 to 5 at the regional or local level ;

(7) recruit volunteers to assist the personnel mobilized for the purpose of emergency response or recovery operations under this Act, provide for their training and supervise their intervention or, subject to the conditions determined by the Minister, entrust a person or body designated by the Minister with such responsibility ;

(8) manage and distribute money donated for disaster relief, or, subject to the conditions determined by the Minister, entrust a person or body designated by the Minister with such responsibility and see to it that any surplus is used for disaster relief in or outside Québec ; and

(9) in conjunction with the ministers and the chief executive officers of government bodies whose resources are assigned to Québec's national civil protection plan, take part in the development and implementation of cooperative civil protection measures with authorities outside Québec.

**68.** So that cooperative civil protection measures may be implemented with civil protection authorities outside Québec, the Minister may order the enlisting of such resources as the Minister determines among those assigned to Québec's national civil protection plan.

The Government may, for the same purposes, in an actual or imminent disaster situation in or outside Québec, grant, for the time the Minister considers necessary for the rapid and efficient conduct of emergency response operations by Québec or other authorities, authorizations and exemptions under an Act or its statutory instruments for an activity or an act that is required in the circumstances.

**69.** The Minister shall see to it that civil protection personnel working for the civil protection authorities and for government departments and government bodies are provided pertinent, high-quality and coherent training, by organizing training activities, by taking part in the development of study programs and training activities and by accrediting the training activities offered by

government or municipal bodies, risk generators or businesses and, in the case of professional development activities, by educational institutions.

**70.** The Minister shall foster or encourage civil protection initiatives by regional or local authorities, civil protection authorities, community organizations, risk generators and other stakeholders. The Minister shall facilitate collaboration between such stakeholders and the coordination of their actions.

The Minister shall, in addition, facilitate the creation of civil protection associations, in particular by providing technical, informational or financial support, subject to the conditions determined by the Minister.

**71.** The Minister shall take part in information efforts so that citizens may become involved in the pursuit of the objectives of this Act, in particular by disseminating information about the disaster risks to which their community is exposed and the degree of vulnerability of their community to disasters, the safety measures established by government departments and government bodies and the steps citizens may take to mitigate the consequences of a disaster and facilitate post-disaster recovery.

**72.** Where human life, health or physical integrity is threatened by an actual or imminent disaster, the Minister or any person specifically designated by the Minister for that purpose may

(1) require any expert, risk generator or person whose activities or property are threatened or affected by the disaster and constitute a potential source of disaster aggravation to provide scientific, technical or other information, and gain access to the location of the activities or property or to the disaster site in order to assess how the risk is or could be affected by the disaster or, in the case of the disaster site, to ascertain the causes, development and potential effects of the disaster; and

(2) disclose to the persons concerned the information obtained that is necessary for their safety.

**73.** In the face of a major accident or any other event that threatens human safety but does not constitute a disaster, the Minister may, in areas that are not under the authority of any other minister,

(1) provide material, technical or informational support to the civil protection authority conducting emergency response or recovery operations, or in the case of a major accident, implementing mitigation or emergency response planning measures; and

(2) order that emergency response and recovery measures under Québec's national civil protection plan be implemented.

**74.** In carrying out his or her functions, the Minister may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization.

**75.** The Minister may, by regulation, determine the statistics and documents that civil protection authorities, risks generators, insurers and claims adjusters must keep or transmit to the Minister to facilitate the carrying out of this Act, and the form and content of the notices and reports prescribed by this Act.

**76.** To assess the effectiveness of the actions provided for in the civil protection plan or to ascertain compliance with the provisions of this Act and the statutory instruments, the Minister or a member of the Minister's personnel designated for that purpose by the Minister may

(1) require any regional or local authority, civil protection authority, risk generator or recipient under a financial assistance program established under section 100 or 101 to communicate, for examination or reproduction, any document, information or explanation that the Minister considers necessary for the carrying out of his or her functions;

(2) enter, at any reasonable time, and inspect any premises in territory unorganized for municipal purposes where the Minister or personnel member has reasonable cause to believe that an activity or property posing a reportable risk is carried on or is located, or any premises where the Minister or personnel member has reasonable cause to believe that an activity or property subject to regulatory standards adopted under section 123 is carried on or is located;

(3) take photographs of premises referred to in subparagraph 2; and

(4) require any information, explanation or document relevant to the carrying out of Chapter III in territory unorganized for municipal purposes.

A person carrying out an inspection shall, on request, produce identification and a certificate of capacity.

**77.** Where there is a deficiency in the actions of a regional or local authority or a civil protection authority, the Minister may, after an overall assessment of the situation and after giving the authority an opportunity to present observations, recommend corrective measures or, if the Minister is of the opinion that public safety so requires, order the authority to take the measures the Minister considers necessary for the protection of human life or property against disasters.

**78.** The Minister or a person designated by the Minister for that purpose may inquire into any matter under the purview of this Act.

The Minister may transmit the conclusions of the inquiry to the persons concerned.

Where corrective measures are recommended, the Minister may require the persons concerned to communicate to the Minister within the time determined by the Minister what they intend to do in that regard. If the measures recommended to a regional or local authority or to a civil protection authority are considered by the Minister to be imperative for public security, the Minister may order that they be implemented and that a compliance report be submitted to the Minister and within the time determined by the Minister.

**79.** The Minister, persons designated under section 72, inspectors and investigators may not be prosecuted by reason of any act in good faith done in the exercise of their functions.

## **DIVISION II**

### **QUÉBEC'S NATIONAL CIVIL PROTECTION PLAN**

**80.** The Minister of Public Security shall establish and maintain, in conjunction with the other ministers and heads of government bodies enlisted by the Minister, a national civil protection plan for Québec designed to

(1) provide support to civil protection authorities and government departments and government bodies where the magnitude of a disaster risk or of an actual or imminent disaster exceeds their capacity for action in the areas under their jurisdiction ;

(2) reduce the vulnerability of society to the specified disaster risks with potential consequences on a Québec-wide scale, in particular through disaster mitigation, emergency response planning, emergency response or recovery measures, or through separate risk management at the appropriate level, in collaboration with other governments or regional or local authorities concerned ; and

(3) ensure that government departments and government bodies collaborate in specified areas of activity in view of their impact on civil protection matters.

**81.** Québec's national civil protection plan shall determine, in keeping with the respective jurisdictions of governments departments and government bodies, the specific actions that each of them must be prepared to take to achieve the objectives of the plan.

The plan must also include a procedure for monitoring the actions determined in the plan.

**82.** As soon as possible after the coming into force of the plan, the Minister shall send a certified true copy of the plan to civil protection authorities and a summary of the plan to local municipalities.

The same applies to any subsequent change to the plan if it entails corrections to the documents sent under the first paragraph.

### DIVISION III

#### ORDER TO IMPLEMENT MEASURES AND DECLARATION OF A LOCAL STATE OF EMERGENCY

**83.** Where a civil protection authority is unable or fails to act in an actual or imminent disaster situation, or during a post-disaster recovery period, the Minister may order the implementation, within all or part of the area of jurisdiction of the authority, of the emergency response or recovery measures under the authority's responsibility according to the applicable emergency preparedness or risk management plan, and, where necessary, designate the person in charge or, in the absence of a plan, order the implementation of the emergency response or recovery measures provided for in Québec's national civil protection plan.

**84.** The Minister may, in the place and stead of a municipality that is unable to act in a situation described in section 42, declare or renew a local state of emergency and exercise or authorize a person to exercise one or more of the powers specified in section 47. In such a case, sections 43 to 52 apply, with the necessary modifications.

However, any expenses borne and compensation provided under those provisions remain chargeable to the municipality and must be reimbursed by the municipality on the terms and conditions determined by the Minister.

**85.** Upon issuing the order or declaring the state of emergency, the Minister must specify the nature of the disaster, the territory concerned, and the circumstances warranting and the effective period of the order or the state of emergency and, where applicable, designate the person authorized to exercise the powers provided for in section 47.

**86.** The order or the state of emergency is effective as soon as it is issued or declared. The order or the text declaring the state of emergency shall be published in the *Gazette officielle du Québec*.

Notice of the order or state of emergency must be given promptly to the civil protection authorities in the territory concerned and to the municipality, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

**87.** The Minister may lift measures ordered under section 83 as soon as the Minister considers that they are no longer necessary. So may the civil protection authority concerned if it has recovered its ability to act.

Notice thereof must be given promptly to the civil protection authorities in the territory concerned and to the municipality, and must be published and disseminated by the most efficient means available to ensure that the inhabitants of the territory concerned are rapidly informed.

## CHAPTER VII GOVERNMENT

### DIVISION I

#### DECLARATION OF NATIONAL STATE OF EMERGENCY

**88.** The Government may declare a national state of emergency in all or part of the territory of Québec where, in an actual or imminent disaster situation, immediate action is required to protect human life, health or physical integrity which, in the Government's opinion, cannot be taken within the scope of the normal operating rules of the civil protection authorities or government departments and government bodies concerned or within the scope of Québec's national civil protection plan.

**89.** The state of emergency declared by the Government is effective for a maximum period of 10 days at the expiry of which it may be renewed, as many times as necessary, for a maximum period of 10 days or, with the consent of the National Assembly, for a maximum period of 30 days.

If the Government is unable to meet immediately, the Minister may declare a state of emergency for a maximum period of 48 hours.

**90.** Upon the declaration of a state of emergency, the nature of the disaster, the territory concerned, and the circumstances warranting and the effective period of the state of emergency must be specified. The Prime Minister or other ministers may be authorized to exercise one or more of the powers specified in section 93.

**91.** The state of emergency is effective as soon as it is declared or renewed. The text declaring or renewing the state of emergency shall be published in the *Gazette officielle du Québec*.

Notice of the state of emergency must be given promptly to the civil protection authorities in the territory concerned, and be published and disseminated by the most efficient means available to ensure that the municipalities concerned and their inhabitants are rapidly informed.

**92.** The National Assembly may, in accordance with its rules of procedure, vote to disallow the declaration of a state of emergency or any renewal thereof.

The disallowance takes effect on the day the motion is passed.

Notice of the disallowance shall be promptly published and disseminated by the Secretary General of the National Assembly by the most efficient means available to ensure that the municipalities concerned and their inhabitants are rapidly informed. It also shall be published by the Secretary General in the *Gazette officielle du Québec*.

**93.** Notwithstanding any inconsistent provision to the contrary, while the state of emergency is in effect, the Government, or any minister empowered to act upon the declaration of the state of emergency, may, to protect human life, health or physical integrity,

(1) order the implementation of the response measures provided for in the plan of the civil protection authorities, or those established by government departments or government bodies in accordance with section 60, and, where necessary, designate the person in charge ;

(2) order the closure of establishments in the territory concerned ;

(3) control access to or enforce special rules on or within roads or the territory concerned ;

(4) order the construction or demolition of any works, the displacement of any property or the removal of any vegetation in the territory concerned ;

(5) grant, for the time the Government considers necessary for the rapid and efficient conduct of emergency response operations, authorizations and exemptions under an Act or its statutory instruments for an activity or an act that is required in the circumstances ;

(6) where there is no safe alternative, order the evacuation or confinement of the inhabitants of all or part of the territory concerned and, if they have no other resources, make arrangements for adequate shelter facilities, the provision of food and clothing and the maintenance of security ;

(7) order that power and water mains be shut off in all or part of the territory concerned ;

(8) require the assistance of any person capable of assisting the personnel deployed ;

(9) requisition the necessary rescue services and private or public shelter facilities ;

(10) requisition food, clothing and other essentials and ensure distribution to disaster victims ;

(11) ration essential goods and services and establish supply priorities ;

(12) gain access to any premises for the carrying out of an order under this section, the disaster site or the location of an activity or property that constitutes a potential source of disaster aggravation in order to assess how the risk is affected by the disaster or, in the case of the disaster site, to ascertain the causes, development and potential effects of the disaster ;

(13) make any expenditure or contract it considers necessary ; and

(14) decide to implement, in respect of the territory concerned, the financial assistance programs established under section 100.

Under such circumstances, the Government may make any other decision as is necessary.

The Government and its ministers may not be prosecuted for any act in good faith done in the exercise of such powers.

**94.** Where the Government requisitioned the assistance or the facilities of a person under subparagraph 8 or 9 of the first paragraph of section 93, the Government must, within three months of receipt of an application filed by the person concerned, compensate the person on the basis of the current rental price for services or facilities of the same type immediately before the disaster.

The same applies in the case of goods requisitioned pursuant to subparagraph 10 of the first paragraph of section 93, in which case the compensation is based on the current sales price of goods of the same type immediately before the disaster.

**95.** The Government is also required to provide compensation for any damage caused in the exercise of powers under subparagraphs 2, 4 and 7 to 10 of the first paragraph of section 93, except damage that clearly would have resulted from the disaster in any case.

**96.** Entitlement to compensation under section 94 or 95 is prescribed one year after the end of the state of emergency.

**97.** The Government may lift the state of emergency as soon as it considers that it is no longer necessary.

Notice of the end of the state of emergency must be given promptly to the civil protection authorities in the territory concerned, and be published and disseminated by the most efficient means available to ensure that the municipalities concerned and their inhabitants are rapidly informed.

Moreover, the decision must be published in the *Gazette officielle du Québec*.

**98.** The Minister must lay an emergency situation report before the National Assembly within three months after the end of the national state of emergency or, if the Assembly is not in session, within 15 days of resumption. The report shall set out the date, time, site, nature, probable causes and circumstances of the actual or apprehended disaster, the date and time of the declaration of the state of emergency and its duration, the emergency response and recovery operations conducted and the powers exercised under section 93.

[[**99.** The sums required by the Government or its ministers empowered to act pursuant to a declaration of a state of emergency in the exercise of their powers under this division shall be taken out of the consolidated revenue fund.]]

## **DIVISION II**

### **FINANCIAL ASSISTANCE**

**100.** The Government may establish the following general financial assistance programs and fix the applicable eligibility requirements, scales and terms and conditions of payment:

(1) programs in respect of disasters, major accidents or other events that threaten human safety but do not constitute a disaster, or the threat of any such emergency, designed to

(a) provide compensation for the extra housing, food and clothing costs incurred by victims during the event or the recovery period;

(b) provide compensation for the extra costs incurred by civil protection authorities, local municipalities, community organizations or civil protection associations in carrying out emergency response or recovery operations;

(c) provide compensation for the costs incurred by volunteers whose assistance in emergency response or recovery operations was expressly accepted by the authority in charge;

(d) provide for the repair of damage caused to a principal residence, the essential belongings of its occupants or any property essential to the livelihood of a person or family; and

(e) provide for the repair of damage caused to vital installations, such as transport, telecommunications, power generation and distribution and water supply systems and systems used by police, fire safety or civil protection services or by government services responsible for public security and human health and welfare;

(2) programs in respect of particular unforeseen disaster or major accident risks, designed to facilitate the implementation of the required mitigation and emergency response planning measures by civil protection authorities, local municipalities, risk generators or the persons exposed to the risk; and

(3) programs designed to provide compensation for the extra costs incurred during a state of emergency by civil protection authorities, local municipalities, community organizations or civil protection associations in the exercise of powers under section 47 or 93.

**101.** The Government may establish special compensation or financial assistance programs to meet specific needs arising from a particular disaster,

major accident or the threat thereof, or from a specific event that threatens human safety but does not constitute a disaster, and fix the applicable eligibility requirements, scales and terms and conditions of payment.

**102.** Financial assistance and compensation programs shall be established on the basis of the following principles :

(1) the programs must provide primary assistance as regards extra housing, food and clothing costs ;

(2) the programs must, as far as possible, take into consideration any existing programs under other Acts, any existing programs of the federal government, public bodies, community organizations or non-profit associations, and the damage insurance available on the Québec market and generally carried within the territory concerned.

**103.** Damage excluded from the application of sections 48 and 95 is considered to be damage caused by a disaster for the purposes of financial assistance and compensation programs.

**104.** Persons having accepted a risk, persons who, without valid reason, failed to take the mitigation measures prescribed by an Act or its statutory instruments or ordered by a competent public authority in respect of a risk, and the persons who are responsible for their losses, are not eligible under any financial assistance program for the repair of damage caused to property by a disaster or a major accident.

**105.** Regional or local authorities or civil protection authorities that did not take part in the development of a civil protection plan or establish safety measures although they were required to do so or that did not implement the established safety measures although they were clearly required by the situation are not eligible under any financial assistance program in respect of disasters.

Authorities having authorized a settlement on a site, subsequently threatened or affected by a disaster or major accident, where occupation of the land was commonly known to be subject to special restrictions by reason of the risk of such a disaster or accident, without imposing such restrictions, are not eligible under any financial assistance program in respect of disasters or major accidents.

However, this section does not apply to financial assistance programs designed to facilitate the implementation of mitigation and emergency response planning measures. The second paragraph does not apply with respect to structures existing on (*insert here the date of coming into force of section 6*), unless the destination of an immovable is changed after that date, which shall be considered a new settlement for the purposes of this section.

**106.** Where damage is caused by a disaster or a major accident to property located on a site where the occupation of the land was commonly known to be subject to special restrictions by reason of the risk or such a disaster or accident, financial assistance may be conditional upon the implementation of impact mitigation measures, the relocation of the property or the relocation of the occupants.

**107.** All programs shall be published in the *Gazette officielle du Québec* and widely publicized.

**108.** The Minister is responsible for the administration of the programs established under this division, subject to the designation of another minister or to a joint designation by the Government made in the order establishing a program.

To facilitate the implementation of a program, the granting of benefits and all other acts of administration under the program may be delegated by the minister responsible, subject to specified conditions, to a municipality, an organization or a person for the implementation period or for the period defined in the instrument of delegation.

Any information relating to the administration of a program that is not under the responsibility of the Minister of Public Security must be communicated to the Minister on request.

**109.** The decision to implement, in respect of a specific risk or event, a general program established before the discovery of the risk or the occurrence of the event is incumbent upon the minister responsible for the administration of the program or a person empowered to act under subparagraph 14 of the first paragraph of section 93. The decision shall specify the nature of the risk or event, the territory concerned and the implementation period.

Any program established after the discovery of the risk or the occurrence of the event that is the specific subject of the program must specify the same information, and shall be implemented upon its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

The minister responsible for the administration of a program may, as appropriate, extend the territory to which it applies, prolong the implementation period or, if it has not expired, shorten the implementation period, but in the latter case, the expiry date may not be earlier than the date of publication in the *Gazette officielle du Québec* of the decision to shorten the implementation period.

Any decision under this section shall be published in the *Gazette officielle du Québec*, and shall be published and disseminated by the most efficient means available to ensure that the persons concerned are rapidly informed.

**110.** To claim benefits under a program, a person must apply to the person responsible for the administration of the program and supply any information or document required by the latter for the purpose of examining the application. The applicant must also inform the person responsible of any change in the applicant's situation that may affect the applicant's eligibility or the amount of the assistance or of the indemnity granted under the program.

**111.** The person responsible for the administration of a program shall lend assistance to any person who so requests so as to facilitate the person's understanding of the program and, where appropriate, the person's filing of an application.

**112.** Entitlement to financial assistance or compensation under a program established under this division is prescribed one year after its implementation date or, if a decision is made to extend the territory to which it applies, one year after the date of the decision as far as the additional territory is concerned. If the damage appears progressively or tardily after that date, the prescription period runs from the day the damage appears for the first time, provided it is not later than the fifth anniversary of the implementation of the program or the decision to extend the territory, as the case may be.

**113.** In exceptional cases, the minister responsible for the administration of a program established under this division may decide, for humanitarian reasons, that a person who otherwise would be excluded from the program is entitled to the benefits determined by the Minister.

**114.** Financial assistance granted under this division must be used exclusively for the purposes for which it is granted.

**115.** Entitlement to financial assistance under this division is a personal right. However, financial assistance relating to a principal residence or to the essential belongings contained in that residence may, in the event of the owner's death, be paid to the persons who inherit the property and who were domiciled at the owner's home at the time of the event that is the subject of the program.

**116.** Entitlement to financial assistance or to compensation may not be assigned.

**117.** Financial assistance paid to a recipient may not be seized.

**118.** The Government is subrogated by operation of law in the rights of any person having received benefits under a financial assistance or a compensation program, up to the amounts paid, against any third party responsible for the damage or the event that is the subject of the program.

**119.** The recipient of financial assistance or compensation must repay to the Minister any amount received without due cause, unless it was paid as a result of an administrative error which the recipient could not reasonably have discovered.

The amount may be recovered within three years of the payment or, in case of bad faith, within three years of the discovery of the fact, but in no case more than 15 years after the payment.

**120.** Any amount due under a subrogation or a claim for overpayment is secured by a legal hypothec on the property of the debtor.

**121.** The person directly concerned by a decision regarding eligibility or the amount of assistance or compensation granted under a program, a condition imposed under section 106 or a claim for overpayment may, within two months of the date on which the person is notified of the decision, apply in writing for a review, except in the case of a decision under section 113.

The application for a review may not be refused on the ground that the time limit has expired if the applicant proves that it was impossible to act earlier.

The decision shall be reviewed by a person designated for such purpose by the minister responsible for the implementation of the program concerned.

An application for a review does not suspend the carrying out of the decision, unless the person designated for the purpose of the review decides otherwise.

[[**122.** The sums required for the administration of the programs established under this division, including extra administrative costs incurred during a disaster situation and the recovery period, shall be taken out of the consolidated revenue fund.]

Amounts recovered under section 118 or 119 shall be paid into the consolidated revenue fund.]]

### **DIVISION III**

#### **REGULATORY POWERS**

**123.** In addition to its other regulatory powers under this Act, the Government may, to the extent that in so doing it does not encroach upon the jurisdiction of other authorities than the Minister of Public Security, make regulations

(1) prescribing standards for the monitoring of activities, property or natural phenomena that pose a disaster or major accident risk;

(2) prescribing safety standards designed to eliminate or reduce disaster or major accident risks, or to mitigate the impact of a disaster or a major accident;

(3) prescribing standards applicable to civil protection equipment, the use thereof and the identification of rescue workers and equipment;

(4) making the standards developed by another government or a standards organization mandatory and specifying that, in such a case, references to the texts setting out the standards include any subsequent changes to those texts ;

(5) making specified uses of an immovable and types of work subject to the production of a study showing that the projected use or work does not constitute a substantial disaster or major accident risk or does not reduce existing safety conditions, and prescribing rules for such studies, including rules pertaining to content and to the qualifications of the person who is to conduct the study ; and

(6) determining the manner in which and the time within which the standards prescribed under this paragraph may be made applicable to existing activities or property.

The Government may also

(1) establish methods and criteria applicable to the determination of the vulnerability of a community to disaster risks in its environment ;

(2) determine the honours and citations that may be awarded, the cases in which they may be awarded, the awarding procedure and the classes of persons or organizations eligible for such honours and citations ; and

(3) determine the provisions of a regulation made under the first paragraph whose violation constitutes an offence, and indicate, for each offence, the fines to which an offender is liable, which may not exceed \$10,000.

## **CHAPTER VIII**

### **PRESUMPTIONS, RIGHTS AND IMMUNITY**

**124.** Any person obeying an order given under section 47 or 93 is deemed to be confronted by superior force.

**125.** A person mobilised pursuant to measures established under this Act or whose intervention is required under this Act is, for the purposes of third-party liability, deemed to be an agent or servant of the authority under whose command the person is placed, for the duration of the person's intervention. However, a person mobilised pursuant to section 83 is deemed to be an agent or servant of the delinquent civil protection authority and a person mobilised outside Québec for the implementation of cooperative measures referred to in section 68 is deemed to be an agent or servant of the Government.

The same presumption applies, with the necessary modifications, to training periods, measure assessment exercises and preparatory exercises.

The presumption does not apply, however, to agents or servants of the State, which agents or servants are not considered to cease to act in the

exercise of their functions for the sole reason that they are placed temporarily under the command of another authority.

**126.** Any person who takes part in response operations in an actual or imminent disaster situation or other event to which this Act applies is relieved from liability for any damage resulting from his or her intervention, unless the damage is caused by the person's intentional or gross fault.

Such relief from liability extends to the authority under whose command the person is placed, the authority whose agent or servant the person is deemed to be and the authority conducting or having required the response operations, except, in the case of a disaster, if the authority did not take part in the establishment of a civil protection plan or did not adopt safety measures as required, or if the measures provided for in the applicable plan and related to the alleged acts were not taken or carried out in accordance with the established procedure.

**127.** The authority whose agent or servant a person is deemed to be pursuant to section 125 is bound to assume the representation or defence of the person at a coroner's inquiry or a fire investigation commissioner's inquiry concerning the event during which the person intervened, or in proceedings before a court or body exercising adjudicative functions concerning an act done by the person in the performance of the tasks entrusted to the person.

The authority may, instead of fulfilling such obligation, make an agreement with the person for reimbursement of any reasonable costs incurred by the person or the person's representative.

The authority is relieved from such obligation if

- (1) the person specifically consents thereto in writing;
- (2) the authority is itself the plaintiff in the proceedings;
- (3) the act constitutes a gross or intentional fault; or
- (4) the person is convicted of an offence or an indictable offence, and had no reasonable grounds to believe that his or her conduct was in compliance with the law.

## **CHAPTER IX**

### **PENALTIES AND REMEDIES**

**128.** The following persons are guilty of an offence and are liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$3,000 to \$15,000 in the case of a legal person :

(1) every risk generator who fails to report a risk, keep the report up to date, establish or maintain safety measures, provide information, issue a warning or give a notice, in contravention of section 8, 9, 12, 13 or 14;

(2) every person who hinders the Minister, an investigator, an inspector, a civil protection authority or one of its inspectors, an inspector of a local municipality or a person designated under section 44, 54, 72 or 90 in the exercise of their powers under this Act, who refuses to obey an order they are entitled to give, to communicate the information or documents they are entitled to require or, without valid reason, to provide the help or assistance they are entitled to require, or who conceals or destroys documents or other things relevant to the exercise of their functions; and

(3) every person who reports or provides false, incomplete or misleading information or a document that is incomplete or contains false or misleading information in order to deceive the person entitled to the information.

Penal proceedings for an offence under subparagraph 3 of the first paragraph are prescribed one year after the prosecutor is apprised of the commission of the offence. However, proceedings may not be instituted more than five years after the commission of the offence.

**129.** Every employer is guilty of an offence and liable to a fine of \$200 to \$1,000 who, without good cause shown, by discriminatory measures, reprisals, a change in employment conditions, transfer, suspension or dismissal or any other sanction, prevents an employee from acting or aims to punish an employee for having acted under the command of a civil protection authority, a government department or body involved in civil protection or a municipality that declared a state of emergency when the employee is mobilised or his or her intervention is required under this Act, provided the person informed the employer that he or she had to leave work precipitously or could not report for work.

In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a remedy before a labour commissioner as if it were a recourse related to the exercise of a right under the Labour Code (R.S.Q., chapter C-27). Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146.1 and 150 to 152 of the said Code apply, with the necessary modifications.

**130.** Every director or senior executive of a legal person who takes part in, consents to, orders, advises or authorizes the commission of an offence is guilty of an offence and is liable to the penalty prescribed for that offence.

**131.** In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act or in a regulation under section 123 are doubled.

**132.** Penal proceedings for an offence under section 8, 9, 12, 13 or 14 enforceable by a local municipality may be instituted by the municipality.

The municipality may bring the proceedings before the competent municipal court.

The fine belongs to the municipality, where it instituted the proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of the said Code.

## **CHAPTER X**

### **AMENDING PROVISIONS**

**133.** This Act replaces the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1).

Every reference to that Act is a reference to the corresponding provisions of this Act.

**134.** The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding “OR PARTICIPATING IN CIVIL PROTECTION ACTIVITIES” at the end of the heading following section 10.

**135.** Section 12 of the said Act, amended by section 4 of chapter 40 of the statutes of 1999, is replaced by the following section :

“**12.** A person who, as a volunteer, assists the personnel deployed to carry out emergency response or recovery operations during an event that is within the purview of the Civil Protection Act (*insert here the year and chapter number of this Act*) after the person’s assistance has been expressly accepted by the authority responsible for such measures is considered to be a worker employed by that authority, subject to the second paragraph.

Where a local or national state of emergency has been declared, a person who assists the personnel deployed after the person’s assistance has been expressly accepted or required under section 47 or 93 of the Civil Protection Act is considered to be a worker employed by the local authority or government having declared the state of emergency or for which the state of emergency was declared.

A person who participates in a training activity organized pursuant to paragraph 7 of section 67 of the said Act is considered to be a worker employed by the Government.

However, the right to return to work does not apply to a person referred to in this section.”

**136.** Section 12.0.1 of the said Act, enacted by section 159 of chapter 20 of the statutes of 2000, is amended by replacing the first paragraph by the following paragraph :

“**12.0.1.** Every person who, during an event referred to in section 40 of the Fire Safety Act (2000, chapter 20), assists the firefighters of a municipal fire safety service after the person’s assistance has been expressly accepted or required pursuant to subparagraph 7 of the second paragraph of that section, is considered to be a worker employed by the authority responsible for the service.”

**137.** The said Act is amended by inserting the following section after section 293 :

“**293.0.1.** Any authority, other than the Government, which, during a calendar year, has used the services of persons referred to in section 12 must, before 15 March of the following year, transmit to the Commission a statement setting out

(1) the nature and the average duration of the participation of such persons in a civil protection activity ; and

(2) the number of persons involved in the course of the past year.”

**138.** Section 293.1 of the said Act, enacted by section 163 of chapter 20 of the statutes of 2000, is amended by striking out “and an estimate of the number of persons likely to be involved in the current year” in paragraph 2.

**139.** Section 294 of the said Act is amended

(1) by adding “or the activities referred to in section 12” at the end of subparagraph 1 of the first paragraph ;

(2) by replacing “in a course or in emergency measures contemplated” in subparagraph 2 of the first paragraph by “in an activity referred to” ;

(3) by replacing “, course or emergency measures contemplated in section 11 or 12” in subparagraph 3 of the first paragraph by “referred to in section 11 or the activities referred to in section 12”.

**140.** Section 296 of the said Act, amended by section 164 of chapter 20 of the statutes of 2000, is again amended by inserting the following paragraph after the second paragraph :

“An authority referred to in section 293.0.1 shall keep a detailed register of the names and addresses of the persons referred to in section 12.”

**141.** Section 310 of the said Act, amended by section 165 of chapter 20 of the statutes of 2000, is again amended

(1) by adding “or the activity engaged in” at the end of paragraph 2;

(2) by inserting the following paragraph after paragraph 2:

“(2.1) an authority referred to in section 12, other than the Government, as the employer of a person who participates in activities referred to in that section, according to the minimum wage in force on 31 December of the year during which the activity took place;”;

(3) by inserting “, according to the minimum wage in force on 31 December of the year during which the assistance was given” after “section 12.0.1” at the end of paragraph 3.1.

**142.** Section 440 of the said Act, amended by section 166 of chapter 20 of the statutes of 2000, is again amended by inserting “participates in a civil protection activity,” after “executes tasks,” in the third line.

**143.** Section 84.1 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1), amended by section 38 of chapter 75 of the statutes of 1999 and by section 169 of chapter 20 of the statutes of 2000, is again amended by adding the following paragraph at the end:

“(5) the Civil Protection Act (*insert here the year and chapter number of this Act*).”

**144.** Section 121.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 39 of chapter 75 of the statutes of 1999 and by section 170 of chapter 20 of the statutes of 2000, is again amended by adding the following paragraph at the end:

“(5) the adoption of a civil protection plan for its territory under the Civil Protection Act (*insert here the year and chapter number of this Act*).”

**145.** Section 94.1 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 40 of chapter 75 of the statutes of 1999 and by section 171 of chapter 20 of the statutes of 2000, is again amended by adding the following paragraph at the end:

“(5) the Civil Protection Act (*insert here the year and chapter number of this Act*).”

**146.** Section 8 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3), amended by section 172 of chapter 20 of the statutes of 2000, is again amended

(1) by replacing “civil protection and fire protection” in the second paragraph by “civil protection and fire safety”;

(2) by replacing “Act respecting the protection of persons and property in the event of disaster (chapter P-38.1)” in the second and third lines of the second paragraph by “Civil Protection Act (*insert here the year and chapter number of this Act*)”.

**147.** Section 9 of the said Act, amended by section 173 of chapter 20 of the statutes of 2000, is again amended by striking out “against fires” at the end of paragraph 8.

**148.** Section 42 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing “within the meaning of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1), the person responsible for emergency measures” by “referred to in the Civil Protection Act (*insert here the year and chapter number of this Act*), the person in charge of response operations”.

**149.** Section 183 of the said Act is amended by replacing “emergency decree within the meaning of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1)” in the second paragraph by “a declaration of a state of emergency within the meaning of the Civil Protection Act (*insert here the year and chapter number of this Act*)”.

**150.** Section 1 of the Fire Safety Act (2000, chapter 20) is amended by replacing “tel sinistre” in the French text of the last paragraph by “incendie”.

**151.** Section 2 of the said Act is amended by adding “as regards fire safety” at the end.

**152.** Section 5 of the said Act is amended

(1) by replacing “to the secretary-treasurer or clerk of the local municipality where the fire hazard is situated” in the first sentence of the first paragraph by “to the local municipality where the fire hazard is situated within three months of becoming subject to the regulation”;

(2) by replacing “person having received” in the second sentence of the second paragraph by “municipality having received”.

**153.** Section 7 of the said Act is amended

(1) by replacing “le sinistre” in the first paragraph of the French text by “l’incendie” and by replacing “du sinistre” in the same paragraph by “de l’incendie”;

(2) by replacing “damaged” in the last line of the first paragraph by “fire-damaged”;

(3) by replacing “communicated only once the judgment in the case has become *res judicata*” in the second paragraph by “reported only once the judgment in the case has become *res judicata*”.

**154.** Section 11 of the said Act is amended by replacing “other emergency situations” in the second line by “disaster situations”.

**155.** Section 12 of the said Act is amended by replacing “to that effect from the Minister” by “of a notice from the Minister to the regional authority”.

**156.** Section 15 of the said Act is amended by striking out the last sentence.

**157.** Section 16 of the said Act is amended

(1) by replacing “échéancier” in the seventh line of the French text of the first paragraph by “calendrier”;

(2) by replacing “responsible for” in the second paragraph by “in charge of”.

**158.** Section 17 of the said Act is amended by adding the following paragraph at the end:

“The regional authority shall also determine a procedure for the periodic assessment of the actions taken and the degree to which the determined objectives have been achieved.”

**159.** Section 20 of the said Act is amended

(1) by replacing “schéma” in the first line of the French text of the second paragraph by “projet”;

(2) by replacing “l’expiration” at the end of the French text of the last paragraph by “son expiration”.

**160.** Section 23 of the said Act is amended by striking out “a notice of motion or” in the second paragraph.

**161.** Section 24 of the said Act is amended

(1) by replacing “or on any later date specified in the notice” in the first paragraph by “, on any later date specified in the notice or at the latest on the sixtieth day after the issue of the certificate of compliance”;

(2) by striking out the second paragraph.

**162.** Section 27 of the said Act is amended by adding “, subject to the applicable legislative provisions” at the end.

**163.** Section 30 of the said Act is amended by replacing “extend the schedule of implementation” by “extend the deadlines”.

**164.** Section 33 of the said Act is amended

(1) by replacing “lorsque le sinistre” in the second line of the French text of the first paragraph by “qui”;

(2) by inserting “de la municipalité” after “règlement” in the fifth line of the French text of the first paragraph;

(3) by replacing “The” at the beginning of the second paragraph by “Unless the municipalities concerned decide otherwise, the”;

(4) by replacing “outside assistance” in the third paragraph by “such exceptional assistance”.

**165.** Section 34 of the said Act is amended

(1) by replacing “le sinistre” in the third line of the French text of the first paragraph by “l’incendie” and by replacing “du sinistre” in the same line by “de l’incendie”;

(2) by replacing “damaged” in the fifth line of the first paragraph by “fire-damaged”;

(3) by replacing “communicated only once the judgment in the case has become *res judicata*” in the second paragraph by “reported only once the judgment in the case has become *res judicata*”.

**166.** Section 36 of the said Act is amended

(1) by replacing “sinistres” in the French text of the first paragraph by “événements”;

(2) by replacing “les autres sinistres” in the French text of the second paragraph by “les sinistres”;

(3) by replacing “d’autres” in the French text of the last paragraph by “de”;

(4) by inserting “and disasters” after “prevention of fires” in the second line of the last paragraph.

**167.** Section 40 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**40.** Firefighters may, in the performance of their duties, enter any premises affected or threatened by fire, a disaster or any other emergency, and any adjacent premises, for the purpose of fighting the fire, responding to the emergency or providing assistance.”;

(2) by inserting “or of the effects of a disaster” after “fire” in subparagraph 5 of the second paragraph.

**168.** Section 41 of the said Act is amended by replacing “During an emergency” by “During an event referred to in section 40”.

**169.** Section 42 of the said Act is amended

(1) by replacing “one month” in the third line of the first paragraph by “three months”;

(2) by replacing “in the year following the emergency” in the fourth and fifth lines of the first paragraph by “in the 12 months following the end of the event”;

(3) by adding “immediately before the occurrence of the event” at the end of the first paragraph;

(4) by inserting “into the event during which the person intervened” after “inquiry” in the third line of the second paragraph;

(5) by replacing “lui ont été confiées lors du sinistre” in the fourth line of the French text of the second paragraph by “lui ont alors été confiées”;

(6) by replacing “lorsque l’autorité” in the French text of subparagraph 2 of the last paragraph by “lorsqu’elle-même”.

**170.** Section 45 of the said Act is amended by replacing “au service de police compétent sur le territoire du sinistre” in the French text by “, au service de police compétent sur le territoire,”.

**171.** Section 47 of the said Act is amended by replacing “or other emergency” in the fourth line of the first paragraph by “or during an emergency or disaster situation”.

**172.** Section 48 of the said Act is amended by replacing “, under a contract with a local or regional authority or intermunicipal board, fire safety services in the territory of a municipality” in the first, second and third lines by “fire safety services under a contract with a local or regional authority or intermunicipal board”.

**173.** Section 53 of the said Act is amended by replacing “disaster intervention” in paragraph 4 by “emergency response”.

**174.** Section 102 of the said Act is amended

(1) by replacing “ce sinistre” in the third line of the French text by “cet incendie”;

(2) by replacing “n’a pas acquis l’autorité de la chose jugée” in the second last line of the French text by “n’est pas passé en force de chose jugée”;

(3) by replacing “de sinistre” in the last line of the French text by “d’incendie”.

**175.** Section 138 of the said Act is amended by replacing “regional or local” in the first paragraph by “regional and local”.

**176.** Section 143 of the said Act is amended by striking out “, or with a regional or local authority or any natural or legal person”.

**177.** Section 154 of the said Act is amended

(1) by inserting “without good cause shown,” after “Every employer who,” in the first line of the first paragraph;

(2) by replacing “volunteer” in the third line of the first paragraph by “on-call”;

(3) by replacing “has made arrangements that are to apply” in the second to last line of the first paragraph by “advises the employer”.

**178.** Section 155 of the said Act is amended

(1) by replacing “damaged” in the first line of the second paragraph by “fire-damaged”;

(2) by replacing “leur fait” in the French text of the second paragraph by “lui fait”;

(3) by replacing “leur” in the last line of the French text of the second paragraph by “son”.

**179.** Section 173 of the said Act is amended by replacing “fires” at the end by “fires and explosions”.

**180.** Section 178 of the said Act is repealed.

**181.** The said Act is amended

(1) by replacing “sinistre” wherever it appears in the French text of sections 44, 92, 95, 99, 121, 123 and 127 and in the French text of the heading of Division III of Chapter V by “incendie”, with the necessary modifications;

(2) by replacing “damaged” wherever it appears in sections 43, 44, 95 and 96 by “fire-damaged”.

## **CHAPTER XI**

### **TRANSITIONAL PROVISIONS**

**182.** The Minister must send the regional authorities the notices provided for in section 20, within 18 months from the date of publication of the first ministerial policies intended for regional authorities.

**183.** Any intermunicipal agreement relating to civil protection, entered into before the coming into force of the first civil protection plan applicable to one of the parties to the agreement and that has not been integrated into the plan, continues to have effect until its date of expiry, except for any renewal not approved by the Minister, unless the parties agree to terminate it prematurely.

**184.** Before the adoption of the first civil protection plan prescribed by Chapter IV, every local municipality must ensure that warning and mobilisation procedures are in force in its territory and that minimum rescue services are available to protect persons and property in the event of a disaster or major accident.

## **CHAPTER XII**

### **FINAL PROVISIONS**

**185.** The Minister of Public Security is responsible for the administration of this Act.

**186.** The provisions of this Act come into force on the date or dates to be determined by the Government.

## TABLE OF CONTENTS

### CIVIL PROTECTION ACT

		<b>SECTIONS</b>
<b>CHAPTER I</b>	PURPOSE AND SCOPE	1-4
<b>CHAPTER II</b>	PERSONS	5-7
<b>CHAPTER III</b>	RISK GENERATORS	8-15
<b>CHAPTER IV</b>	LOCAL AND REGIONAL AUTHORITIES	
<b>Division I</b>	Civil protection plan	16-41
<b>Division II</b>	Declaration of a local state of emergency	42-52
<b>Division III</b>	Other responsibilities and mutual assistance	53-59
<b>CHAPTER V</b>	GOVERNMENT DEPARTMENTS AND GOVERNMENT BODIES	60, 61
<b>CHAPTER VI</b>	MINISTER OF PUBLIC SECURITY	
<b>Division I</b>	Functions	62-79
<b>Division II</b>	Québec's national civil protection plan	80-82
<b>Division III</b>	Order to implement measures and declaration of a local state of emergency	83-87
<b>CHAPTER VII</b>	GOVERNMENT	
<b>Division I</b>	Declaration of national state of emergency	88-99
<b>Division II</b>	Financial assistance	100-122
<b>Division III</b>	Regulatory powers	123
<b>CHAPTER VIII</b>	PRESUMPTIONS, RIGHTS AND IMMUNITY	124-127
<b>CHAPTER IX</b>	PENALTIES AND REMEDIES	128-132
<b>CHAPTER X</b>	AMENDING PROVISIONS	133-181
<b>CHAPTER XI</b>	TRANSITIONAL PROVISIONS	182-184
<b>CHAPTER XII</b>	FINAL PROVISIONS	185, 186