

DÉLĪNĒ GOT'ĪNĒ GOVERNMENT

EMERGENCY MANAGEMENT ACT

DECEMBER 11, 2024

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WHEREAS the Délîné Got'îné Government has jurisdiction within the Community of Délîné with respect to the health, safety, and welfare of people, protection of people and property, and people, activities and things in, on, or near a public place, or place that is open to the public, including the imposition of curfews pursuant to s. 9.1.1(a) and (b) of the Délîné Final Self-Government Agreement;

AND WHEREAS section 9.1.3(b) of the Délîné Final Self-Government Agreement empowers the Délîné Got'îné Government to enact laws with respect to emergency preparedness and emergency measures within the Community of Délîné;

AND WHEREAS the Community of Délîné is a small and remote community which means that what constitutes an emergency in Délîné may not be an emergency in other parts of the NWT;

AND WHEREAS the people in the Community of Délîné are the ones with the best knowledge to quickly determine if an emergency situation exists;

the Délîné Got'îné Government enacts as follows:

Citation

1. This *Act* may be cited as the *DGG Emergency Management Act*.

Application

2. This *Act* applies to emergency preparedness and emergency measures within the Community of Délı̄ne.

Definitions

3. In this *Act*:

“**ʔekw’ahṭı̄dé**” means the leader of the Délı̄ne Got’ı̄ne Government elected under applicable election laws;

“**CEO**” means the Chief Executive Officer which is the DGG employee appointed to that position under the *DGG Government Organization Act*, as amended from time to time, and includes an individual who may have a different job title but has the same duties and powers of the Chief Executive Officer under the *DGG Government Organization Act* as that law was written at the time this *Act* is enacted;

“**Community of Délı̄ne**” means the area described in Schedule “B” of the DFSGA;

“**Délı̄ne Emergency Management Committee**” means the committee established under this *Act* to coordinate Emergency Management in the Community of Délı̄ne;

“**Délı̄ne Emergency Management Coordinator**” means the individual appointed by the DKK as the head of the Délı̄ne Emergency Management Organization and may be an existing DGG employee who is assigned to the role as part of their duties;

“**Délı̄ne Emergency Management Plan**” means the plan adopted by the DKK as the Emergency Management plan applicable to the Community of Délı̄ne;

“**Délı̄ne State of Emergency**” means a declaration of a state of emergency for all or part of the Community of Délı̄ne made by the DKK or the ʔek’waṭı̄dı̄ pursuant to this *Act*;

“**DGG**” means the Délı̄ne Got’ı̄ne Government, described in the DFSGA and Part 1, Division 2 of the *DGG Government Organization Act*, as amended from time to time;

“**DGG Law**” means laws of the DGG made pursuant to the jurisdictions of the DGG set out in the DFSGA and regulations made pursuant to those laws;

“**DFSGA**” means the Délı̄ne Final Self-Government Agreement;

“**DKK**” means the Délı̄ne K’awədı̄ Kə, the body described in section 3.4.1(b) of the DFSGA and established by Part 1, Division 2 of the *DGG Government Organization Act*, as amended from time to time;

“**Emergency**” means a current or imminent event that requires prompt coordination of action or special regulation of persons or property in order to protect the safety, health or welfare of people or to limit or prevent damage to property, people or the environment;

“**Emergency Management**” means the prevention and mitigation of, preparedness for, response to and recovery from emergencies;

“Enforcement Officer” means an individual appointed by the DKK to enforce this *Act* and any member of the Royal Canadian Mounted Police;

“NWT Emergency Management Organization” means the Government of the Northwest Territories’ Emergency Management Organization that is established pursuant to the *Emergency Management Act*, SNWT 2018 c 17, as amended from time to time;

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person; and

"Volunteer" means an individual who is temporarily engaged in emergency management, without the expectation of payment, and is delivering a service on behalf of the DGG.

Déłıne Emergency Management Plan

4. The CEO shall prepare or cause to be prepared a Déłıne Emergency Management Plan within two years of this *Act* being enacted.
5. The Déłıne Emergency Management Plan must:
 - (a) describe the DGG’s Emergency Management system;
 - (b) specify the roles and responsibilities of the DGG’s departments and staff in responding to emergencies; and
 - (c) specify procedures for the coordination of responses to emergencies by the DGG and its departments.
6. The Déłıne Emergency Management Plan may also assign tasks to agencies outside of the DGG.
7. The DKK shall adopt a Déłıne Emergency Management Plan as the Emergency Management plan applicable within the Community of Déłıne.
8. The CEO shall review the Déłıne Emergency Management Plan at least every two years and make recommendations to the DKK about amendments needed to the Déłıne Emergency Management Plan.
9. The DKK may amend the Déłıne Emergency Management Plan from time to time by resolution.
10. For greater certainty, the CEO may make housekeeping amendments, such as editing phone numbers and contact names, to the Déłıne Emergency Management Plan as needed at any time and such housekeeping amendments do not require DKK approval.
11. The CEO shall promptly send a copy of the adopted Déłıne Emergency Management Plan and any amendments to it to the NWT Emergency Management Organization.

Délnę Emergency Management Committee

12. The DKK shall establish and maintain a Délnę Emergency Management Committee to develop and implement the Délnę Emergency Management Plan and to establish other measures in respect of emergency management.
13. The CEO shall appoint a Délnę Emergency Management Coordinator and shall assign duties to the Délnę Emergency Management Coordinator related to emergency preparedness and emergency measures in the Community of Délnę.

Emergency Preparedness and Management

14. At all times, the CEO may:
 - (a) conduct or authorize the conduct of Emergency Management activities inside the Community of Délnę;
 - (b) with prior authorization from the DKK, conduct or authorize the conduct of activities that are necessary or incidental to respond to an active Emergency outside of the Community of Délnę; and
 - (c) authorize the temporary engagement of Volunteers for carrying out those activities referred to in paragraphs (a) and (b).
15. For greater certainty, nothing in this *Act* shall be construed as forbidding the use of all or part of the Délnę Emergency Management Plan or an Emergency Management program where there has not been a declaration of a Délnę State of Emergency.

Power of the DKK

16. Subject to section 17, the DKK may delegate, in writing, the performance of any of the DKK's duties or the exercise of any of the DKK's powers under this *Act* to:
 - (a) the Délnę Emergency Management Committee;
 - (b) the Délnę Emergency Management Coordinator;
 - (c) an independent contractor; or
 - (d) a DGG employee, including the CEO.
17. The DKK shall not delegate the power to make a declaration of a Délnę State of Emergency or its renewal or its termination.

Declaration of a Délnę State of Emergency

18. If the DKK is satisfied that an Emergency exists or may exist within the Community of Délnę, the DKK may, by resolution, declare a Délnę State of Emergency to exist in all or part of the Community of Délnę.

19. If it is not possible for the DKK to obtain quorum in order to pass a resolution to declare a Délıne State of Emergency, the ʔek'wahtıdó may act on behalf of the DKK and declare a Délıne State of Emergency if the ʔek'wahtıdó reasonably believes:
 - (a) an Emergency exists within the Community of Délıne; and
 - (b) the Emergency requires immediate response.
20. If the ʔek'wahtıdó makes a declaration of a Délıne State of Emergency pursuant to section 19, the DKK must pass a resolution within three days to confirm the declaration or the declaration is deemed terminated.
21. A declaration of a Délıne State of Emergency must identify:
 - (a) the nature of the Emergency; and
 - (b) the area of the Community of Délıne affected by the Emergency.
22. The DKK may, by resolution, renew a declaration of a Délıne State of Emergency before its expiry.
23. A declaration of a Délıne State of Emergency or its renewal expires at the earlier of the following:
 - (a) seven days after it is made; or
 - (b) when the order is terminated by the DKK.
24. When, in the opinion of the DKK, an Emergency no longer exists in an area affected by a declaration of a Délıne State of Emergency, the DKK shall terminate the declaration of a Délıne State of Emergency in respect of that area.
25. A renewal or termination of a declaration of a Délıne State of Emergency comes into force:
 - (a) on the day specified in the renewal or termination, if a day is specified; or
 - (b) on the day the renewal or termination is made, if no day is specified.
26. Immediately after a declaration of a Délıne State of Emergency is made or renewed, the DKK must ensure:
 - (a) that the details of the declaration are posted, published or otherwise communicated by a means of communication that the DKK considers most likely to make the contents of the declaration known to the population of the affected area; and
 - (b) a copy of the declaration is provided to the NWT Emergency Management Organization.

DKK Powers During A State of Emergency

27. While a declaration of a Déljñę State of Emergency is in effect, the DKK, or its delegate, may do all acts and implement all procedures that it considers necessary or advisable to prevent, respond to, alleviate, and recover from the effects of an Emergency, including any or all of the following:
- (a) cause Emergency plans or programs to be put into operation;
 - (b) acquire or use real or personal property, whether private or public, considered necessary to prevent, combat or alleviate the effects of the Emergency;
 - (c) authorize or require a qualified person to render aid of the type that the person is qualified to provide;
 - (d) cause the demolition or removal of vegetation, structures, equipment or vehicles, if it is necessary or appropriate to reach the scene of the Emergency or to attempt to forestall its occurrence or to combat its progress;
 - (e) control or prohibit travel to, from, or within any area within the Community of Déljñę;
 - (f) impose a curfew on all or part of the Community of Déljñę;
 - (g) provide for the restoration of essential facilities and the distribution of essential supplies;
 - (h) provide, maintain and coordinate Emergency medical, welfare and other essential services in the Community of Déljñę;
 - (i) cause the evacuation of persons and the removal of personal property and animals from any area within the Community of Déljñę that is or may be affected by the Emergency;
 - (j) arrange for the adequate care and protection of persons, property or animals referred to in paragraph (i);
 - (k) subject to other DGG laws, authorize the entry into any building or onto any land, without warrant, by a person implementing Emergency plans or programs;
 - (l) procure, ration or fix prices for:
 - (i) food, clothing, fuel, equipment, medical supplies or other essential supplies, or
 - (ii) the use of property, services, resources or equipment within the Community of Déljñę; and
 - (m) authorize the conscription of persons needed to respond to the Emergency.

Mandatory Assistance

28. If the DKK under section 27(c) or (m) passes a resolution requiring a person to provide assistance, the person named in the resolution must provide the assistance required if they are reasonably able to do so.

Compensation for Loss

29. If the DGG acquires or utilizes real or personal property under section 27 or if any real or personal property is damaged or destroyed due to an action of the DGG in preventing, combatting or alleviating the effects of the Emergency, the DGG may cause compensation to be paid for that property.

Recovery of costs

30. The DGG may seek compensation for the DGG's costs to prevent, respond to, or alleviate the effects of the Emergency from anyone who threatens or causes through acts or omissions an Emergency in the Community of Délıne.
31. Nothing in sections 30 is intended to relieve a person from any civil liability arising from the person's acts or omissions that threatened or caused an Emergency in the Community of Délıne.

Liability

32. No action, including for equitable relief, lies for any action or omission done in good faith while carrying out a power or duty under this *Act*, by
- (a) the ʔek'wahtı́dó or a person acting under the ʔek'wahtı́dó's direction or authorization, including Volunteers;
 - (b) the members of the DKK or a person acting under the DKK's direction or authorization, including Volunteers;
 - (c) the members of the Délıne Emergency Management Committee or a person acting under the Délıne Emergency Management Committee's direction or authorization, including Volunteers;
 - (d) DGG staff, including the Délıne Emergency Management Coordinator; and
 - (e) a person acting under the DGG's direction or authorization, including Volunteers.

Offences

33. Any person who contravenes this *Act*, permits any act or thing to be done in contravention of this *Act*, or who neglects or refrains from doing anything required to be done pursuant to this *Act* commits an offence and may be liable to a penalty up to the maximums in the DFSGA or as set out in a DGG law.
34. Any person who interferes with or obstructs any person in the exercise of any power conferred or the performance of any duty imposed by this *Act*, the regulations or any order

made under this *Act* commits an offence and may be liable to a penalty up to the maximums in the DFSGA or as set out in a DGG law.

35. Where a person has committed an offence under this *Act*, an Enforcement Officer may warn the person that they have committed an offence and educate the person on the rules in this *Act* instead of issuing a ticket.
36. The DKK may prescribe, by regulation, fines for offences under this *Act*, including different amounts for subsequent offences, early payment discounts, and late payment penalties.
37. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence may be liable to a fine for each such day or part of a day.
38. The *DGG Enforcement Act*, if in force, applies to offences under this *Act*.

Delegation

39. The DKK may delegate any of its authorities, powers or responsibilities under this *Act*.
40. The CEO may delegate any of their authorities, powers or responsibilities under this *Act*.

Regulations

41. The DKK may make any regulations that it considers necessary or advisable for the purposes of this *Act*.

Severability

42. Should any provision of this *Act* be found to be invalid by a court of competent jurisdiction, whether in whole or in part, or in particular circumstances, the invalid provision shall be severed and the balance of the *Act* shall be maintained in force, or maintained in force for application in other circumstances.

Interpretation

43. Words and expressions used in this *Act* have the same meaning as they have in the DFSGA, unless the context requires otherwise.

Repeal

44. This *Act* hereby repeals and replaces all Charter Community of Déline bylaws on the same matter.

Amendment

45. This *Act* may be amended in accordance with DGG Law.

Commencement

46. This *Act* comes into force on the date of its enactment.

Conflict

47. In the event that two or more provisions within the *Act* conflict with one another, the most restrictive provision shall prevail.
48. In the event that the provisions of this *Act* conflict with the provisions of the DFSGA, the provisions of the DFSGA prevail.
49. In the event that the provisions of this *Act* conflict with the provisions of the *Déline Got'ine ?ezadó*, the provisions of the *Déline Got'ine ?ezadó* prevail.
50. In the event that the provisions of the DFSGA conflict with the provisions of the *Déline Got'ine ?ezadó*, the provisions of the DFSGA prevail.
51. In the event that the provisions of the DFSGA conflict with the provisions of the *SDMCLCA*, the provisions of the *SDMCLCA* prevail.