

## Overview of Saskatchewan Public Safety Agency Legislation (August 2020)

### *The Saskatchewan Public Safety Agency Act, 2019*

This Act came into force in 2019 as the foundational legislation granting the Saskatchewan Public Safety Agency (SPSA) its powers and responsibilities. Notably, the Act designates all the legislation listed in this document as “Public Safety Acts” and grants the SPSA responsibility to administer and enforce these statutes.

A central definition framing the SPSA’s role is that of ‘emergency:’

**“emergency”** means a present or imminent situation or condition that may or does require prompt action to prevent or limit the loss of life; harm or damage to the safety, health or welfare of people; or damage to property or the environment; and includes any other prescribed circumstances, situation or condition.

The Act establishes the purpose of the SPSA as follows:

“The purpose of SPSA is to provide or support public safety services for and with the people, municipalities, Indigenous peoples, public safety service providers and the Government of Saskatchewan.”

The Act conveys broad powers necessary for the SPSA to conduct its business and carry out its purpose. These powers include the authority to:

- purchase and lease property; sell, lease or dispose of property;
- raise revenues;
- establish programs to perform its responsibilities;
- collect and disseminate emergency management and wildfire management information;
- accept grants, payments and gifts;
- obtain voluntary assistance; and
- exercise any powers necessary, incidental or conducive to the efficient performance and fulfilment of the objects and purpose of SPSA.

The Act prescribes the SPSA’s governance with respect to the appointment and designation of directors, the president, officers and employees, as well as their respective powers and duties.

Regarding financial administration, the Act empowers the SPSA to borrow and invest. It also makes the SPSA subject to auditing and annual reporting requirements. The Act clarifies that the SPSA is an agent of the Crown and that all moneys acquired and all profits earned are the property of the Crown.

### *The Emergency 911 System Act*

The purpose of this Act is to assign the SPSA responsibility for all matters relating to the development, implementation and operation of the Sask911 system.

The Act grants the SPSA authority to enter into agreements with emergency service providers or any other organizations necessary to carry out the purposes of the Act; acquire, maintain, operate and dispose of property; co-ordinate the development of a province-wide street addressing and numbering system, establish committees to advise the Minister respecting any matter associated with purposes of the Act; and do any other action necessary to carry out the purposes of the Act.

The SPSA is authorized under this Act to designate any person, organization or agency as an emergency service provider.

The Act provides that the SPSA may request a council of a municipality, regional health authority, emergency service provider, telecommunications service provider, ministry, and agency or Crown Corporation of the Government of Saskatchewan to participate in the development, implementation and operation of the system. The Act requires these participants to comply with any prescribed standards, protocols, systems and procedures related to the system.

### *The Emergency Planning Act*

This Act contains the most expansive definition of ‘emergency’ found in any public safety act:

**“emergency”** means:

- a calamity caused by: accident; act of war or insurrection; terrorist activity as defined in the *Criminal Code*; forces of nature; or
- a present or imminent situation or condition, including a threat of terrorist activity as defined in the *Criminal Code*, that requires prompt action to prevent or limit: the loss of life; harm or damage to the safety, health or welfare of people; or damage to property or the environment.

The Act establishes the Saskatchewan Emergency Management Organization as a unit of the SPSA. The SPSA may designate an employee as the Chief of Emergency Management. Marlo Pritchard is currently the Chief of Emergency Management.

The Act establishes the provincial planning committee, which prepares an emergency plan for Saskatchewan and advises the SPSA respecting emergency planning matters.

The Act authorizes Cabinet to establish emergency planning districts for the purpose of organizing intermunicipal emergency planning, training, assistance and emergency operations programs.

The Act requires every local authority (i.e., municipal council) to establish a municipal emergency plan governing the provision of necessary services during an emergency and response procedures.

The Act authorizes Cabinet to make an emergency declaration relating to all or any part of Saskatchewan. Upon such a declaration, the Act confers broad powers upon the SPSA including:

- authority to put into operation any emergency plan or program;
- authorize a local authority to put into effect any emergency plan;
- assume direction and control of the emergency response of a local authority;
- control or prohibit travel;
- provide for the restoration of essential facilities and the distribution of essential supplies;
- provide, maintain and co-ordinate emergency medical, welfare and other essential services;
- cause evacuations;
- procure or fix prices for essential supplies; and
- do all acts and take all proceedings that are reasonably necessary to meet the emergency.

The Act empowers a local authority to make a local emergency declaration and put into operation any emergency plan or program it considers appropriate and take all proceedings that are reasonably necessary to meet the local emergency.

The Act authorizes Cabinet to establish a disaster assistance program by regulation prescribing categories of persons eligible for disaster assistance and prescribing different disaster assistance for each category.

### The Fire Safety Act

The Act defines “fire services” as including but not limited to fire prevention and protection; fire safety; fire inspections; fire investigation; fire suppression; mitigation of the effects of fires and recovery from fires; enforcement of laws relating to fire safety or public safety; search and rescue services; provision of medical first response services; and response to incidents involving hazardous materials.

The Act authorizes the SPSA to appoint an employee as the Fire Commissioner and one or more other employees as deputy fire commissioners to carry out the duties and exercise the powers of the Fire Commissioner. Marlo Pritchard is currently the Fire Commissioner.

The Act authorizes the Fire Commissioner to promote and encourage fire prevention and information about fire services; investigate and keep records of the cause, origin and circumstances of fires; collect and disseminate information respecting fires and fire department services; advise and provide recommendations and assistance to local authorities or any other persons respecting fire department services; and perform any other duties the SPSA may direct.

In an emergency requiring fire department services, the Fire Commissioner may take any action necessary to meet the emergency and to eliminate, reduce or control its effect.

The Act grants provincial inspectors or prescribed classes of provincial inspectors the powers of peace officers to administer and enforce the Act and the regulations.

The Act authorizes a local assistant to administer and enforce the Act within the local assistant’s jurisdiction.

In the case of a fire or an emergency that requires the response of a fire department, a local assistant may take any measures necessary to put out the fire, to prevent the fire from spreading, to address the emergency or to remove or lessen any threat to persons, property or the environment resulting from the fire or emergency.

A fire inspector may take any measures necessary for the immediate protection of persons, property or the environment against an imminent risk of a fire, emergency or other danger that threatens persons, property or the environment.

A local assistant shall undertake an investigation to determine the cause, origin and circumstances of every fire occurring within the local assistant’s jurisdiction.

A provincial inspector may undertake an investigation to determine the cause, origin and circumstances of a fire.

The Fire Commissioner may conduct an inquiry into the cause, origin and circumstances of a fire or an emergency that has destroyed or damaged property or the environment, or caused injury or death.

The Act requires every fire insurance corporation to provide the Fire Commissioner with a statement with respect to every fire that occurred in Saskatchewan in the preceding month in which the fire insurance corporation is interested as an insurer.

Every owner of a premises shall ensure that the premises complies with this Act, the regulations, any order made pursuant to this Act and the bylaws of the jurisdiction in which the premises is located.

A fire inspector may, without a warrant, at any reasonable time, enter on any land or into any premises for the purposes of conducting an inspection for the purposes of monitoring compliance with this Act, the regulations or any order made pursuant to this Act or a bylaw passed pursuant to this Act. If there is a contravention, the fire inspector may issue to the owner or occupant of the land or premises a written order to remedy the contravention.

The Fire Commissioner may assess a penalty against a person for contraventions of this Act or the regulations or for failure to comply with an order made pursuant to this Act.

### The Wildfire Act

The SPSA is responsible for all matters relating to wildfires. The definition of wildfire management includes prevention, detection, control, preparedness, suppression, investigation, research, training, education and reclamation.

The Act authorizes the SPSA to:

- create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting prevention, detection, and suppression of and preparation for wildfires and the coordination and development of systems pertaining to wildfire management;
- sponsor, undertake and coordinate planning, research and investigations respecting wildfires;
- specify requirements and procedures for the development, preparation, approval, implementation, amendment and revision of plans required pursuant to this Act;
- specify procedures for a resource management fire;
- collect, process, correlate, analyze and maintain a wildfire database;
- specify requirements and procedures for the treatment, removal, mitigation and disposal of fire hazards;

- determine any criteria, terms, conditions or requirements that must be met by a person in order to carry out any activity governed by this Act;
- specify restrictions on activities, use of equipment or the ignition and use of fire during a high wildfire danger.

The Act clarifies where rural municipalities and the SPSA are responsible for controlling and extinguishing wildfires within rural municipalities. The Act applies to every rural municipality, park land, a provincial forest; but not to any city, town, village, hamlet, northern village, northern hamlet, northern settlement, regional park, resort village or resort subdivision.

The Act specifies two important areas of its jurisdiction. A wildfire management area is a provincial forest, park land, vacant Crown land, and every quarter section of land lying wholly or partly within 4.5 kilometres of the boundaries of a provincial forest. Designated land is provincial forest and any park land designated in the regulations.

The Act establishes a burn notification system that creates a legal notification requirement by the public to notify the SPSA that someone is planning to burn in a provincial forest, in a quarter section of land lying wholly or partly within 4.5 kilometres of the boundaries of a provincial forest or in park land.

The Act authorizes the SPSA to collect the costs of suppression, the value of Crown timber or forest resources damaged or destroyed, the costs to rehabilitate the land and the costs of any other property damaged or destroyed from a person responsible for a fire.

The SPSA may issue an order (fire ban) prohibiting the start of any fire, the discharge of fireworks or any activity likely to start or contribute to the spread of a fire.

The Act requires industrial and commercial operations on designated lands to submit annual wildfire prevention and preparedness plans.

There is also provision for a Wildland Interface Environmental Code Chapter that will require new developments (structures and buildings) on designated lands to conform to “FireSmart” principles in construction design and vegetation cover.

The Act authorizes the SPSA to conduct resource management fires (controlled burns) to increase public safety; protect life, property or the environment; protect or enhance an ecological benefit or biological diversity; or further forest renewal and management practices.

Agency (SPSA) officers are authorized to exercise a wide variety of powers including determining that a wildfire burning in a municipality poses a threat to a wildfire management area; carrying out inspections, investigations and audits; obtaining the use of fire suppression equipment; entering on to land; seizing certain articles; closing or restricting the use of a road; and ordering the extinguishment of a fire.

## Statutory Authorities and Responsibilities Pertaining to Municipal Emergency Plans (August 2020)

*The Emergency Planning Act* (EPA) is the primary statute setting out the powers and responsibilities pertaining to municipal emergency plans<sup>1</sup>. *The Northern Municipalities Act, 2010* (NMA) describes the relationship between municipalities and regional service districts in the preparation and implementation of municipal emergency plans.

### Local Authority<sup>2</sup> Powers and Responsibilities

1. The local authority must establish a local emergency planning committee: EPA, s. 9(1)(c).
2. The local emergency planning committee must establish a municipal emergency plan: EPA, s. 9(3).
3. The local authority must all times be responsible for the direction and control of the emergency response unless the SPSA assumes direction and control: EPA, s. 10.
4. The local authority must comply with any SPSA direction concerning the implementation of an emergency plan: EPA, s. 18(4).
5. On the making of a local emergency declaration, the local authority may put into operation any emergency plan or program that the local authority considers appropriate: EPA, s. 21(1)(a)(i).
6. The local authority may authorize the entry into any building or on any land without warrant when necessary for the implementation of an emergency plan: EPA, s. 21(1)(a)(viii).
7. Where Cabinet makes an emergency declaration relating to all or any part of Saskatchewan, the local authority may cause any emergency plan to be put into operation: EPA, s. 21(1)(b)(i).
8. A local authority may engage a regional service district to prepare a municipal emergency plan: NMA, s. 43(1)(a).
9. A local authority may authorize a regional service district to assume the powers and responsibilities of a local authority for the purposes of the EPA: NMA, s. 44(1)(i).

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<sup>1</sup> The EPA requires the preparation of both an emergency plan for Saskatchewan in s. 5(a) and municipal emergency plans in s. 9(3). Several sections of the Act refer to an “emergency plan” without distinguishing between these two types.

<sup>2</sup> EPA s. 2(g): “local authority” means the council of a municipality.



### SPSA Powers and Responsibilities

1. The SPSA may establish any procedure it considers necessary for the prompt and efficient implementation of an emergency plan if it considers an existing procedure in the plan insufficient to meet the emergency at hand: EPA, s. 13(h).
2. The SPSA may put into operation any emergency plan or program it considers appropriate: EPA, s. 18(1)(a).
3. The SPSA may authorize or require a local authority to put into effect any emergency plan for the municipality: EPA, s. 18(1)(b).
4. The SPSA may assume direction and control of the emergency response of a local authority: EPA, s. 18(1)(c).
5. The SPSA may authorize the entry into any building or on any land without warrant in the course of implementing an emergency plan: EPA, s. 18(1)(j).