

# CEMA WHAT IS THE *Civil Emergency Measures Act?*

The *Civil Emergency Measures Act* (CEMA) is legislation that gives the Government of Yukon (YG) the power to act in response to an emergency.

## What is an emergency?

There are two types of emergencies covered by CEMA:

- 1. The first type is a "peacetime disaster":** This refers to any disaster that is unrelated to war or hostile action. It includes disasters from fire, explosion, flood, earthquake, landslide, weather, and epidemic. It also includes disasters related to accidents, such as a shipping accident, mine accident, transportation accident, electrical power failure, or nuclear accident. In addition, this category could include any other disaster, unrelated to war or hostile action, that could cause injury or loss to persons or property in the Yukon.
- 2. The second type is a war emergency,** which is related to war, invasion or insurrection.



CEMA allows YG to declare a state of emergency in the Yukon in case of a peacetime or war emergency.

- A state of emergency lasts for 90 days once it has been declared, although it can be ended earlier by YG. It can also be extended by government declaration.
- When YG declares and ends a state of emergency, it must be published and shared with the public.

## What does a state of emergency mean?

The government can do what it thinks is necessary to deal with an emergency, including:

- protect people and property
- maintain, clear, and control roads
- provide and maintain necessary services (e.g., water, electrical, sewage)
- obtain necessary goods and services
- assist in the enforcement of law
- fight and prevent fires
- protect the health, safety, and welfare of Yukoners
- put into effect any civil emergency plans

It allows the government to enter into agreements with the Government of Canada, other provincial and territorial governments, municipalities, or any person (note it does not mention Yukon First Nations governments) for the purposes of planning, identifying resources, establishing training and public information programs, and taking any other steps required.



## What does CEMA mean for:



### Impacts on people's rights

Other pieces of legislation that continue to protect individual rights and privacy during an emergency are paramount to CEMA, such as the *Human Rights Act* and the *Health Information and Privacy Management Act*.

### Municipalities?

- CEMA instructs municipalities to have a municipal civil emergency plan that assigns roles and responsibilities and specifies powers and duties.
- CEMA allows municipalities to declare a state of emergency either during or outside of a YG emergency. A municipal state of emergency would usually last for 48 hours unless replaced by a state of emergency called by YG.
- YG can cancel a state of emergency declared by a municipality.
- YG can require the assistance of a municipality in a state of emergency.
- The municipal council may make any bylaws it considers necessary to put into effect the civil emergency plan of the municipality.



### Yukon First Nations?

- CEMA does not include Yukon First Nations in the legislation or its regulations.
- There are 11 Yukon First Nations with Self-Government Agreements. These agreements include legislative emergency powers outlined in Chapter 13.



## CEMA enforcement

If someone does not obey orders related to the state of emergency, they can be fined \$500 and/or be imprisoned for a maximum of 6 months.



## Is CEMA being updated?

YG committed to reviewing CEMA to assess the scope of the legislation and that of other jurisdictions, with the goal of modernizing the legislation. The goal of the review is to identify gaps and best practices, incorporate actions to adapt to climate change and mitigate risk, and improve coordination with Yukon First Nations governments, municipalities, and stakeholders across the Yukon.



**Government of Yukon's Civil Emergency Measures Act:**

<https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0034/2002-0034.pdf>



**Council of Yukon First Nations**

