

**LEGISLATIVE ASSEMBLY  
OF  
YUKON**

First Session of the  
Thirty-fifth Legislative Assembly

BILL NO. 302

Act to Amend the Civil Emergency Measures Act (2022)

First Reading:

Second Reading:

Committee of the Whole:

Third Reading:

Assented to:

## ACT TO AMEND THE CIVIL EMERGENCY MEASURES ACT (2022)

### EXPLANATORY NOTE

This Bill amends the *Civil Emergency Measures Act* to:

- provide the Yukon Legislative Assembly with oversight and control by requiring any declaration of a State of Emergency to be considered by the Assembly within 7 days of it being issued, and subject to a vote;
- provide the Yukon Legislative Assembly with oversight and control over the extension of a State of Emergency;
- require that any regulations and ministerial orders be subject to a mandatory review by the Legislative Assembly or a Committee of the Legislative Assembly within 45 days of being issued;
- empower committees of the Legislative Assembly to conduct public hearings on regulations and ministerial orders under the *Civil Emergency Measures Act*;
- if the Speaker receives an official request from three or more Members of the Legislative Assembly, require that the Assembly consider a request to revoke a declaration of a State of Emergency within 7 days; and
- Require that a public inquiry be held after the declaration of a state of emergency.

**BILL NO. 302**

**Thirty-fifth Legislative Assembly**

**First Session**

**ACT TO AMEND THE CIVIL EMERGENCY MEASURES ACT (2022)**

The Commissioner of Yukon, by and with the advice and consent of the Legislative Assembly, enacts as follows

**1 This Act amends the *Civil Emergency Measures Act*.**

**Section 6 amended**

**2 Subsection 6(3) is replaced with the following:**

“(3) A state of emergency begins on the making of a declaration pursuant to subsection (2), but a motion for confirmation of the declaration shall be laid before the Legislative Assembly and be considered in accordance with section 15.”

**3 Subsection 6(4) is replaced with the following:**

“(4) Unless extended by a motion approved by the Legislative Assembly, a state of emergency declared under subsection (1) shall cease to exist 90 days from the date of the declaration.”

**4 Section 6(6) is added as follows:**

“(6) Where the Legislative Assembly fails to extend a state of emergency pursuant to subsection (4), the Commissioner in Executive Council shall be prohibited from issuing a new declaration concerning the matters that gave rise to the initial declaration without approval from the Legislative Assembly.”

**Section 15 to 18 added**

**5 The following sections are added immediately after section 14**

“Consideration of Declaration of Emergency

15 (1) Subject to subsection (4), a motion for confirmation of a declaration of emergency, signed by a Minister, together with an explanation of the reasons for issuing the declaration and a report on any consultation with respect to the declaration, shall be laid before the Legislative Assembly within seven sitting days after the declaration is issued.

(2) If a declaration of emergency is issued during a prorogation of the Legislative Assembly or when it stands adjourned, the Legislative Assembly shall be summoned to sit within seven days after the declaration is issued.

(3) If a declaration of emergency is issued at a time when the Legislative Assembly is dissolved, the Legislative Assembly shall be summoned to sit at the earliest opportunity after the declaration is issued.

(4) Where the Legislative Assembly is summoned to sit in accordance with subsection (2) or (3), the motion, explanation and report described in subsection (1) shall be laid before the Legislative Assembly on the first sitting day after it is summoned.

(5) If the Legislative Assembly is unable to meet in its normal chamber, the Speaker of the Legislative Assembly shall make the appropriate arrangements for it to meet at an alternate location, virtually, or using a hybrid model.

(6) Where a motion is laid before the Legislative Assembly as provided in subsection (1) or (4), that House shall, on the sitting day next following the sitting day on which the motion was so laid, consider the motion.

(7) A motion considered in accordance with subsection (5) shall be debated without interruption and, at such time as the House is ready for the question, the Speaker shall, without further debate or amendment, put every question necessary for the disposition of the motion.

(8) If a motion for confirmation of a declaration of emergency is negated by the Legislative Assembly, the declaration, to the extent that it has not previously expired or been revoked, is revoked effective on the day of the negative vote.

#### Legislative Oversight of Regulations and Ministerial Orders

16 (1) Regulations under this Act shall be reviewed by the Legislative Assembly, or a committee of the Legislative Assembly, within 45 days of being enacted by the Commissioner in Executive Council;

(2) Ministerial orders under this Act shall be reviewed by the Legislative Assembly, or a committee of the Legislative Assembly, within 45 days of being enacted by the Commissioner in Executive Council; and

(3) A committee of the Legislative Assembly, under subsection (2) may conduct public hearings as part of its review of regulations and ministerial orders, and may publicly report on any recommendations; and

(4) The Commissioner in Executive Council must consider a report issued pursuant to this section, and publicly respond to all recommendations within 45 days.”

## Revocation of Declaration of Emergency

17 Where a motion, for the consideration of the Legislative Assembly, to the effect that a declaration of emergency be revoked, signed by not less than three members of the Legislative Assembly is filed with the Speaker, the Legislative Assembly shall consider the motion in accordance with the process and timelines set out in section 15.

## Public Inquiry

18 (1) The Commissioner in Executive Council shall, within sixty days after the expiration or revocation of a declaration of emergency, cause an inquiry pursuant to the *Public Inquiries Act* to be held into the circumstances that led to the declaration being issued and the measures taken for dealing with the emergency.

(2) A “board” established pursuant to the *Public Inquiries Act* shall include an equal number of board members nominated by each registered political party represented in the Legislative Assembly at the time of the appointment. Board members shall be persons who are not a member of the Legislative Assembly, the Senate, or the House of Commons, and shall be chosen by the leader of the registered political party and appointed by the Commissioner in Executive Council.

(3) A report of an inquiry held pursuant to this section shall be laid before the Legislative Assembly within three hundred and sixty days after the expiration or revocation of the declaration of emergency.

(4) The Commissioner in Executive Council may request that the Legislative Assembly waive the requirement for a public inquiry, subject to the approval of at least three-quarters of the members of the Legislative Assembly.

---