

Moving Beyond Checkbox Culture

A jurisdiction scan of business continuity laws and their use by business continuity planners

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List of Acronyms

AEMA	Alberta Emergency Management Act
BCP	Business continuity planning
CI	Critical Infrastructure
CSA	Canadian Standards Association
EDMA	Emergency & Disaster Management Act
EM	Emergency Management
ESS	Emergency Social Services or Emergency Support Services
ICS	Incident Command System
ISO	This is an initialism rather than an acronym; see Glossary entry for ISO/International Organization for Standardization
LII	Legal Information Institute
NFPA	National Fire Protection Association
SCC	Standards Council of Canada

Glossary

AustLII	The Australasian Legal Information Institute (AustLII) provides free internet access to Australasian legal materials. AustLII's broad public policy agenda is to improve access to justice through better access to information, with over four million searchable documents.
Business Continuity	Defined by CSA Group as "An ongoing process to ensure an entity's ability to maintain critical functions and resume normal operations quickly following a disruption. This includes developing all necessary procedures to mitigate such a situation and the training for personnel to carry them out." NFPA calls it "An ongoing process to ensure that the necessary steps are taken to identify the impacts of potential losses and maintain viable continuity and recovery strategies and plans."
CanLII	CanLII is a non-profit organization founded in 2001 by the Federation of Law Societies of Canada on behalf of its 14-member law societies. Its mandate is to provide efficient and open online access to judicial decisions and legislative documents. By doing so, CanLII supports members of the legal profession in the performance of their duties while providing the public with permanent open access to laws and legal decisions from all Canadian jurisdictions.
Continuity	Defined by NFPA as "A term that includes business continuity/continuity of operations (COOP), operational continuity, succession planning, continuity of government (COG), which support the resilience of the entity."
Crisis	An issue, event, or series of events with potential for strategic implications that severely impacts or has the potential to severely impact an entity's operations, brand, image, reputation, market share, ability to do business, or relationships with key stakeholders. A crisis might or might not be initiated or triggered by an incident, and requires sustained input at a strategic level to minimize its impact on the entity (NFPA)
CSA Z1600	This Canadian standard provides requirements for a continuous improvement process for the development and implementation of emergency and continuity management program that addresses the four pillars of emergency management: 1) Prevention & Mitigation; 2) Preparedness, 3) Response, and 4) Recovery

CSA/Canadian Standards Association	also known as CSA Group (est. 1919 as CESA), an independent, not-for-profit membership association. As a solutions-based standards organization, CSA provides standards and codes development, application products, training and selected advisory services. It is accredited by the Standards Council of Canada (SCC), often representing the SCC on international technical committees.
DRI Canada	DRI Canada is a non-profit organization that provides internationally recognized education and certification to business continuity, disaster recovery and emergency management professionals in Canada.
DRI International	An affiliate of DRI Canada, Disaster Recovery Institute International (DRI) is the oldest and largest nonprofit that helps organizations around the world prepare for and recover from disasters by providing education, accreditation, and thought leadership in business continuity, disaster recovery, cyber resilience and related fields.
Emergency Management	An ongoing process to prevent, mitigate, prepare for, respond to, maintain continuity during, and to recover from, an incident that threatens life, property, operations, information, or the environment (NFPA)
ISO 22301	The international standard for business continuity management systems (BCMS); this standard provides a framework to plan, establish, implement and continuously improve an organization's BCMS to protect against, reduce the likelihood of, and ensure recovery from disruptive incidents.
ISO 27001	The international standard for information security management systems (ISMS); conforming to this standard means an organization has a system in place to manage risks related to security of data owned or handled by the company.
ISO/International Organization for Standardization	ISO is not an acronym, but a name inspired by the Greek word "isos", meaning "equal"; ISO is an international non-profit committed to standardization work globally.
Law	Statute or regulation, or case law.
NFPA	National Fire Protection Association from the United States; similar to CSA Group,
NFPA 1600/1660	1600 was consolidated into 1660, the Standard on Continuity, Emergency, and Crisis Management.

Polycrisis	Lawrence et. al define a “global polycrisis” as the causal entanglement of crises in multiple global systems in ways that significantly degrade humanity’s prospects; this concept recognizes that many issues faced locally are caused by the complex interplay of agents. For instance, Canada’s housing shortage is not merely due to lack of construction: speculative investments from foreign and domestic non-residential investors triggers intense shortages as Canada faces higher immigration levels and increasing environmental disasters.
Resiliency / Resilience	The ability to prepare for and adapt to changing conditions and withstand and recover rapidly from disruptions (NFPA); CSA defines resilience as " the adaptive capacity of an organization in a complex and changing environment (Canadian Standards Association, 2017)"
WorldLII	World Legal Information Institute (LII); WorldLII is coordinated by AustLII, a joint facility of the UTS and UNSW Faculties of Law. WorldLII is a member of the Free Access to Law movement. WorldLII provides a single search facility for databases located on the following Legal Information Institutes: AustLII; BAILII; CanLII; HKLII; LII (Cornell); and PacLII. WorldLII also includes as part of this searchable collection its own databases not found on other LIIs. These include databases of decisions of international Courts and Tribunals, databases from several Asian countries, and databases from South Africa (provided by Wits Law School).

Executive Summary

Business continuity planners have a tangible impact on business continuity laws, but they don't necessarily know it. They also experience significant pushback against the business continuity programs they are tasked with designing, implementing, maintaining and/or auditing by the very organizations that hire them. This pushback leads to a general sense of impotence.

My research suggests that this very feeling drives advocacy and innovation within the field of business continuity. What's more, analysis of the various laws and standards associated with business continuity shows that business continuity planners have a clear and tangible impact on the legal landscape: many Canadian laws that mandate business continuity planning use language lifted directly or clearly adapted from ISO and CSA Group standards, as well as from DRI and BCI best practices.

Through my interviews, I learned that business continuity planners see their work within the wider landscape of social resilience in Canada. This motivates them to work internally and externally to find people to champion their programs. They join organizations such as DRI Canada, the Business Continuity Institute, and the CSA Group, among others. These organizations drive standardization within the field. In Canada, we find not only multiple laws that require business continuity planning, but many laws that are aligned with the standards: laws such as the British Columbia *Emergency and Disaster Management Act*, the Canadian Regulation on Retail Payments, the Alberta Regulation 248/2007 (Government Emergency Management Regulation), and Canadian Regulation 2011-318 (Canadian Aviation Security Regulations, 2012), among others.

I looked for laws in Canada (35 total), the United Kingdom (14) and Australia (16) to understand the legal landscape of business continuity, asking: what laws mandate business continuity planning? Across these three countries, I found that business continuity, despite being primarily used in the economic sector, was also used in surprising and relevant ways. In Australia and the United Kingdom, business continuity planning is used to ensure that some of society's most vulnerable, children, have continuity of care. In the UK, many pharmacies are required to have business continuity plans so that their patients receive uninterrupted medical care.

What's more, analysis of the various laws and standards associated with business continuity shows that business continuity planners have a clear and tangible impact on the legal landscape: many Canadian laws that mandate business continuity planning use language lifted directly or clearly adapted from ISO and CSA Group standards, as well as from DRI and BCI best practices (see Figure 12).

From the examples of Australia and the United Kingdom, Canadians can learn ways we can strengthen our overall social resilience. More laws do not signify more social resilience. While these two countries have fewer business continuity laws than Canada, their laws span more social sectors than Canada's, which are overwhelmingly concerned with the economy and stock exchange data (see Figure 5). For instance, in the UK, there is a tacit acknowledgment that housing is a critical service: foster care homes are required to have business continuity plans, and they are accountable to their local

authorities to ensure their plans provide continuity of care to the children under their roofs. In Australia, daycares receive critical business continuity payments during disasters, ensuring that these organizations, who are especially reliant on daily/weekly enrollment-based subsidies to provide this essential service, do not lose operational funding when children must stay home due to measures outside of their control. Canada could benefit from diversifying business continuity across sectors.

Chapter 1. Introduction

Disaster Recovery Institute (DRI) Canada is a non-profit association of public and private sector emergency and risk management personnel committed to business continuity management and planning. Business continuity refers to “the capability of the organization to continue delivery of products or services at acceptable levels following a disruptive incident” (International Organization for Standardization, 2019); in short, business continuity's focus is in keeping a firm's facilities operational, maintaining revenue, and sustaining staffing (McKnight and Linnenluecke, 2016, p. 293). Business continuity *planning* is planning for the various events that may challenge business continuity, such as disasters, labour disruptions or cyberterrorism.

The legal landscape is one underexplored factor that impacts firms' approach to business continuity planning. I undertook a comparative jurisdictional scan of government-mandated business continuity requirements and sought to understand how business continuity planners leveraged the legal landscape (if at all) in their work.

The project objectives were:

- To understand the legal landscape in Canada – at the federal, provincial, and (where appropriate) municipal levels – as relating to government-mandated business continuity and business continuity planning for private entities, specifically in relation to emergency management and disasters (i.e. excluding business continuity from the perspective of bankruptcy proceedings).
- To categorize thematically the various statutes and regulations relating to business continuity.
- To compare Canada’s legal landscape relating to business continuity against other nations’ government-mandated business continuity requirements.
- To understand, through comparative policy analysis, the larger trends in business continuity law and regulation and how Canada compares to other nations

Over the course of 2024-2026, I reviewed Canadian, British and Australian laws to understand what each government legally required in terms of business continuity planning across their various jurisdictions. I found that across the three nations, most business continuity mandates were oriented around continuity of financial systems, with emergency management (i.e. maintenance of social order) as the category with the second-most density of statutes and regulations (see Figure 5).

As part of this project, I undertook a literature review to identify whether similar research had been undertaken previously and found that no such jurisdiction scan had been attempted as of 2026. I also looked to see whether similar focus group and one-on-one interviews had been convened to investigate the role of the law in the work of business continuity planners and other professionals concerned with continuity planning: I did not find any.

Business continuity planners will reference several documents in their work; I became interested in specifically understanding: do business continuity planners leverage legal information in carrying out their work? If so, then to what extent?

I answered these two research questions with three primary methods: a jurisdiction scan of Canadian, Australian and British business continuity laws; two focus group interviews consisting of 9 Canadian business continuity professionals; and ten interviews with business continuity and urban planners working across critical infrastructure sectors in Canada and Australia.

I found that the legal landscape indirectly influences business continuity planning, mainly in highly regulated industries such as the financial sector, energy and higher education. In other sectors, business continuity planning was primarily driven by government policy. As my research shows, however, these answers are not straightforward.

In many sectors across Canada, business continuity is driven by motivated professionals. Within their organizations—within and outside of government—business continuity planning is often seen as a checkbox exercise. Many of my participants felt that compared to emergency management, business continuity was not taken seriously. Where they did find success in advocating for business continuity planning was not in leveraging legal or regulatory citations, but in aligning their business continuity plan with the organization’s overarching corporate objectives.

The UK and Australia provided particularly interesting case studies in the areas of childcare: in both countries, childcare was seen as an essential public service managed by a distributed network of private care providers. In these countries, the law was used to ensure continuity of care (via crisis planning and business continuity funding) within this distributed public/private partnership structure.

As an urban scholar and geographer, I have become particularly interested in the intersections between business continuity planning and urban planning. I found that in Canada, there is little overlap between the business continuity and urban planning networks, while there was a greater degree of overlap in the UK and Australia. In Canada, overlap between these two fields was typically in the areas of emergency management, or more extendedly, in land use planning and disaster risk reduction. However, beyond hard infrastructure, I think that these examples from Australian and the UK could help us understand business continuity more broadly, within our softer social network infrastructure.

1.1. Limitations and Opportunities for Future Research

The project aimed to identify which laws mention business continuity planning, and whether they are used by business continuity planners. The focus group and individual interviews were convened to answer this latter question. I don't have enough data or information to identify what drives business continuity within organizations,

though my research suggests that planners generally feel that their work requires a lot of advocacy, and tends to be a checkbox exercise. They feel impotent in many cases.

I don't have the data to validate whether it is true or not that business continuity is a checkbox exercise—all I can say with certainty is this feeling drives them to join associations like the Resilience and Information Exchange (RIE), DRI, BCI, committees and working groups. I can see that the letter of the law and the text of the standards are very similar in particular cases. Based off the explicit callout of organizations like DRII and BCI in standards documentation, and the way standards are regulated in Canada, there seems to be a link between this feeling of impotence and the larger landscape.

One of this project's initial objectives was to understand, through comparative policy analysis, the larger trends in business continuity law and regulation and how Canada compares to other nations. I could not complete such a large-scale policy analysis, nor am I able to answer the question of what drives business continuity in Canada or other jurisdictions. This would be a worthwhile project for a motivated researcher to pick up and answer and could provide further avenues for positioning business continuity within our social network infrastructure.

Chapter 2. Jurisdiction Scan

Understanding the regulatory landscape of business continuity was essential to this project: before interviewing business continuity planners, I wanted to attune myself to the laws and standards that could potentially guide their practice and ensure I didn't miss key standards or acronyms during the discussions. Additionally, I wanted to understand how the Canadian regulatory landscape in which they worked compared to other countries. Therefore, I performed a scan of global laws, as well as a more in-depth analysis of Canadian, British and Australian laws².

By regulatory landscape, I mean the entirety of legal and non-legal sets of guidelines and professional practices that guide the business continuity profession: laws (aka statutes and regulations), guidelines, standards and policies. I began by looking at the specific statutes and regulations that mentioned the keyword "business continuity" at the global, national and subnational levels for each of the countries I was interested in. For Canada and Australia, subnational meant at the territorial and provincial levels, while for the United Kingdom, this meant England & Wales, Scotland, and Ireland.

I found that by total number, Canada led in business continuity laws, but these laws are heavily skewed towards the economic sector, while Australia and the United Kingdom had fewer total laws, but their laws spanned across social sectors.

2.1. Definitions: Standards, Regulations, Statutes?

Statutes, regulations, policies, and standards are closely related, but they are different. Though they are presented in a tabular format below, standards, regulations, policies, and laws are interconnected: regulations are created through laws (also called statutes), and the creation of regulations via these laws is often driven by internal strategic policies within the regulators.

As I present throughout this paper, there is also a complex interplay between the development of standards and their impact on the broader regulatory and political landscape; laws are not created in a vacuum. Individuals and associations, either through disputes or advocacy work (in this case, individuals joining associations like DRI or technical committees for standards development), impact policies within their organizations, which can have a broader impact on the legal landscape. "Standards generally pertain to recognized technical criteria and optimal methods, whereas laws are official legislative actions that require adherence." (Marwala, 2024, p. 189). Furthermore, "international organizations, industrial groupings, and technical authorities create these standards to ensure

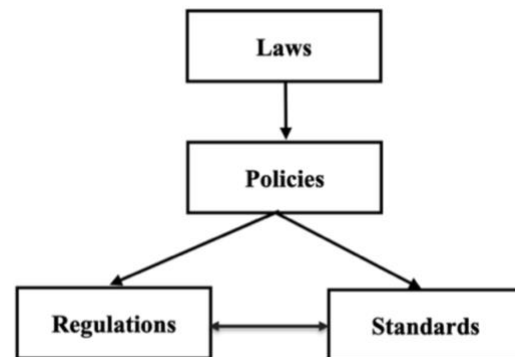


Figure 1 Process flow of laws, policies, regulations, and standards (adapted from Marwala, 2024, p 193)

compatibility, safety, and quality [with the goal of] minimizing the likelihood of failures and harm.” (Marwala, 2024, p. 191). Tshilidzi Marwala (2024) offers a succinct comparison in Table 1 below.

Table 1 Principles of policies, regulations, standards and laws (adapted from Marwala, 2024)

Mechanism	Characteristics	Creators	Enforceability
Standards	<ul style="list-style-type: none"> • Technical benchmarks • Best practice 	<ul style="list-style-type: none"> • International organizations • Industrial groupings • Technical authorities 	<ul style="list-style-type: none"> • Usually optional and flexible
Regulations	<ul style="list-style-type: none"> • Precise guidelines or commands are generated • Derived from policies • Offers clear instructions • Offer enforced criteria 	<ul style="list-style-type: none"> • International organizations • Governments • Regulatory authorities 	<ul style="list-style-type: none"> • Enforceable
Policies	Ensure that BC is in line with <ul style="list-style-type: none"> • Social values • Public interests 	<ul style="list-style-type: none"> • Businesses • Governments • Regulatory entities 	<ul style="list-style-type: none"> • Optional • Adaptable
Laws	Defines <ul style="list-style-type: none"> • Rights and responsibilities • Consequences for failure to comply 	<ul style="list-style-type: none"> • Legislators 	<ul style="list-style-type: none"> • Legally binding • Inflexible

Through conversations with my project committee and business continuity planners I identified four separate standards³ at the regional, national and international levels particularly relevant to Canadian planners: CSA Z1600, ISO 22301, ISO 27001, and NFPA 1600/1660¹. These standards documents were particularly helpful as they were much more specific than the legal documents that formed the basis of the jurisdiction scan.

Laws are statutes and regulations: in the Commonwealth, statutes are also called Acts. In common law systems such as Canada’s, there are two types of laws: statutory laws and case laws². “Statutory law consists of the statutes (written laws) passed by the federal, provincial, and territorial legislatures” (Law Library Team, 2025), and these statutes formed the basis of my analysis. A statute, or Act, is what enables the creation of regulation. Each regulation will be associated with a specific statute—for example, Manitoba Regulation 81/2011, the Provincial Planning Regulation, is enabled by the Manitoba *Planning Act*. Acts are also used to create “Regulators”, agencies which are

¹ NFPA1600 was consolidated into 1660, the Standard on Continuity, Emergency, and Crisis Management.

² Case laws are established via judicial interpretation through court decisions rather than through statutes. I looked for cases associated with business continuity, and did not find any applicable to the scope of this research project.

empowered to create additional regulations and guidelines for operation. This will be stipulated within the Act itself; for instance, section 10 of British Columbia’s *Emergency and Disaster Management Act* defines who can make regulations, and the extent of these regulations. Australia and the United Kingdom follow the same pattern.

What can be confusing about Australian and British laws are each law’s naming convention, with many of them merely having the term “amendment” added at the end of the originating Act, and the specifics in parenthesis. For instance:

Table 2 Naming conventions and examples of Amendments (Australia and UK)

Jurisdiction	Law
Australia (Federal)	Family Assistance Legislation Amendment (Child Care Rebate) Act 2011
Australia (Federal)	Family Assistance Legislation Amendment (Child Care) Act 2010 (No 34, 2010)
Australia (Federal)	Family Assistance Legislation Amendment (Early Childhood Education And Care Coronavirus Response And Other Measures) Act 2021 (No 26, 2021)
Australia (Federal)	Treasury Laws Amendment (Timor Sea Maritime Boundaries Treaty) Act 2019 (No 59, 2019)
United Kingdom	The Civil Contingencies Act 2004 (Commencement No.3) Order 2005 No. 2040 (C89)
United Kingdom	The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2018

It was at times difficult to decide whether each Amendment should be considered its own law (especially in the case of the Family Assistance Legislation Amendments in Australia. If an Amendment specified business continuity (rather than repeating the original section), then I counted it as a separate law.

I also looked for case law related to each statute that I reviewed but did not find any relevant cases for the sections pertaining to business continuity. Laws are enforceable and can result in punitive action. Therefore, it is important for business continuity planners to understand the implications for their organizations.

My research was limited to a very narrow topic: finding laws that mentioned the term “business continuity”. There are many more laws relevant to business continuity planning, laws that will not mention this specific terminology. In fact, “two of the biggest areas of legal impact to a company are shareholder derivative actions and force majeure clauses for disasters and disruptions” (Andresen, 2023, 130). Phillips & Landahl also highlight the risk of lawsuits stemming from mass shootings and pandemics, advising that “though most business continuity plans do not address legal matters, it is wise to do so”, explicitly noting that even when legal cases are dismissed, businesses can accrue significant costs (Phillips & Landahl, 2020, p 55).

I also reviewed several government policy documents which my focus group and solo interviewees directed me towards. The legal landscape on its own doesn’t tell you

very much about the actual state of professional practice—and as I have found through my interviews, their participation in the development of policies, guidelines and standards directly and recursively impacts the development of new statutes and regulations, forming what could be described as a feedback loop.

It also cannot be understated: what I call business continuity laws are not laws which regulate the profession. They are laws where the term “business continuity” is present in some form or another. They are mostly legal documents which stipulate where business continuity plans must be created, or when they must be consulted.

2.2. Global Scan of Business Continuity Laws

There is no single dataset of all business continuity laws around the world; in fact, there is no single database of all laws in the world. There are some tools that are useful as a starting point for a jurisdiction scan, however: WorldLII and the Disaster Recovery Journal’s (DRJ) Rules & Regulations dataset³ (Disaster Recovery Journal Editorial Advisory Board - Rules and Regulations Committee, 2023). The DRJ dataset excludes several of the laws included in my own dataset: this is because as we will explore, many of these laws are not very useful to the business continuity planner. However, while the DRJ data is useful to the practitioner, some of the terminology and guidance it offers is incorrect: I hope that the previous section has helped the Reader understand the difference between standards and law, as well as what is considered enforceable.

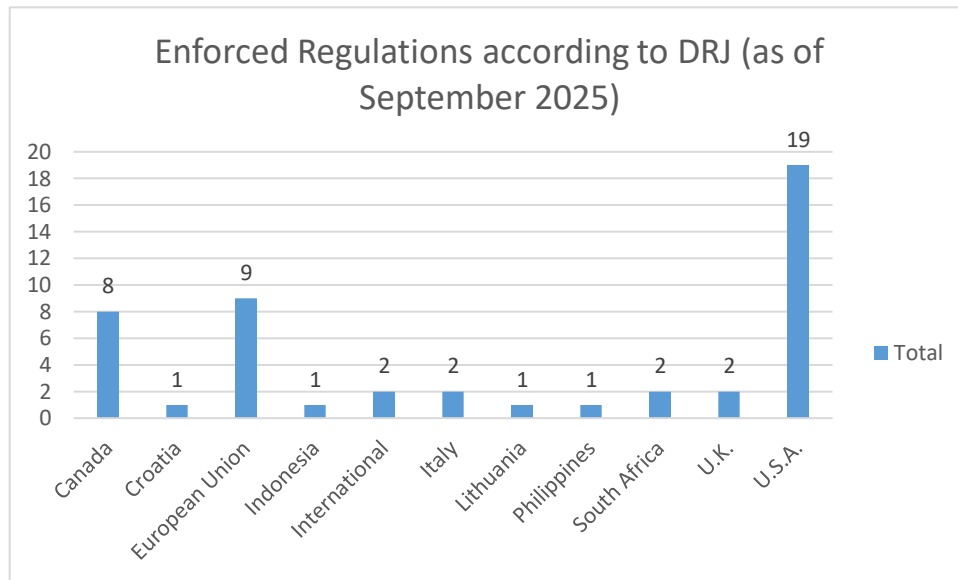


Figure 2 “Enforced” regulations according to the DRJ

The current DRJ dataset lists eight enforceable Canadian regulations; the first one is CSA Z1600. Standards are not legally enforceable, and while many Canadian institutions, including governments, use Z1600 to guide their business continuity

³ I have been part of the DRJ Rules and Regulations Committee since 2025.

planning, Z1600 is *not* enforceable in the sense that a law such as the *Emergency and Disaster Management Act* of British Columbia is. Use these datasets (including mine) as a starting point to your research. My search through Canadian legal databases found 35 laws (discussed later in this text).

The DRJ data shows similar patterns to the Canadian, Australian and British data that I found: the guidelines, standards and laws overwhelmingly belong to the economic sector, with Social Order & Governance coming second.

Another useful database, which formed the baseline for my search for British and Australian laws, is WorldLII. WorldLII is a free database managed by several non-profit legal information institutes (LII); it aggregates results from AustLII; BAILII; CanLII; HKLII; LII (Cornell); and PacLII including databases from South Africa and several Asian countries. It had similar drawbacks to the DRJ data: there were many results (over 400), but many were not statutes or regulations, but rather, government directives or policy memos⁴ (called “documents” in the database). As well, it didn’t have a single result for Canada⁵. Below, you can see the distribution of documents—most of them from Australia⁶:

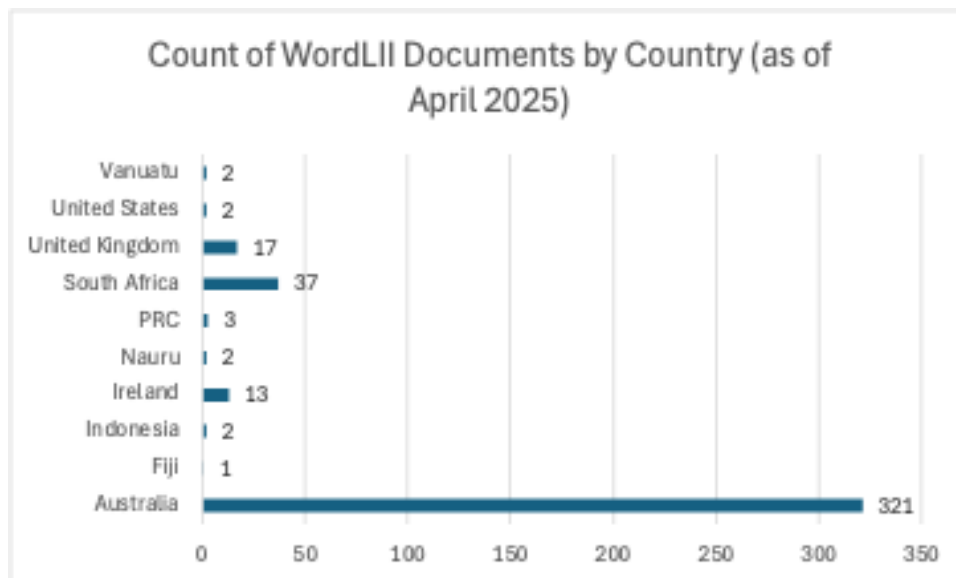


Figure 3 Number of documents by country in WorldLII database, as of April 2025

⁴ Directives are essentially government orders, but they are not all legally enforceable. Some of the memos were also explanatory memos behind the laws, but not useful in identifying the laws themselves. Interestingly, though WorldLII purports to be connected to the CanLII database, there were zero Canadian results, though as we will see, there many Canadian laws pertaining to business continuity at the provincial, territorial and federal levels.

⁵ I believe this may be due to a technical error; I emailed the WorldLII team on several occasions to inquire but did not receive a response.

⁶ WorldLII is hosted/managed by AustLII, so it’s possible they just have a more functional integration into this database. As I said, I did not receive responses to my inquiries.

DRI Canada and I chose to compare Canada, the UK, and Australia's business continuity laws. First, we wanted to better understand the Canadian legal landscape, given that DRIC is based in Canada and whose membership works across various Canadian provinces and territories, as well as at the federal level. These three countries share many similarities: Canada, Australia, and the UK jurisdictions of Scotland, Wales, and Ireland are all former British colonies. Canada, the UK, and Australia are constitutional monarchies with common linguistic systems rooted in the Westminster parliamentary model and common law. The legal structure of all three countries being rooted in the common law⁷ means that one-to-one comparisons are feasible and appropriate. These countries are also similar socially, culturally, and economically.

Using a combination of LII databases and each nation's government legal databases, I found 35, 16, and 14 Canadian, Australian, and British laws currently in force. It's clear that Canada stands out for the *total* number of business continuity laws.

⁷ Canada and the UK are both bijural, meaning that common and civil law legal traditions coexist: Bijuralism is "an expression of the coexistence of the civil law and common law legal traditions" (Government of Canada, 2008b). Canada is composed of 14 separate legal jurisdictions: of the 13 sub-national jurisdictions, all but one follow the common law system. Quebec follows the civil law framework. In addition, this bijuralism is expressed subnationally in common law jurisdictions such as New Brunswick, which is officially bilingual. When drafting laws, the Canadian Department of Justice formally recognizes that it is imperative that the four Canadian legal audiences (Francophone civil law lawyers, Francophone common law lawyers, Anglophone civil law lawyers and Anglophone common law lawyers) may, on the one hand, read federal statutes and regulations in the official language of their choice and, on the other, be able to find in them terminology and wording that are respectful of the concepts, notions and institutions proper to the legal system (civil law or common law) of their province or territory (Government of Canada, 2008c). Similarly, the United Kingdom is composed of three distinct legal jurisdictions: England & Wales, Scotland and Ireland. Like Quebec, Scotland utilizes a civil law framework – the "English common law and the Scottish civil law coexist because The Union Act provided that Scotland would retain its private law" (Government of Canada, 2008a)

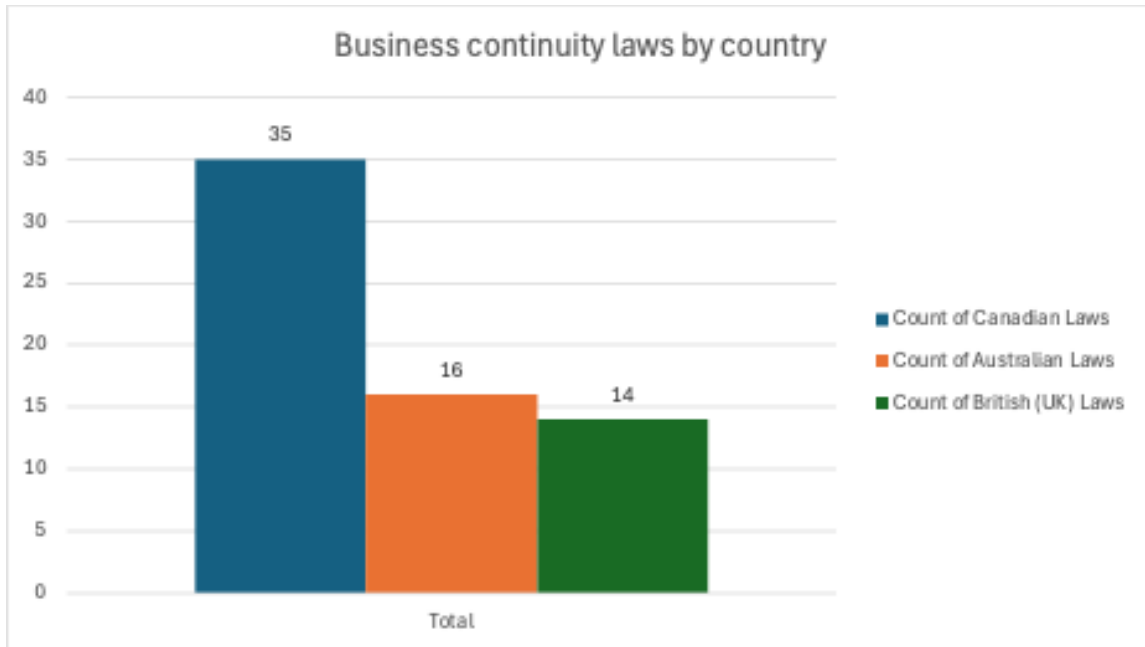


Figure 4 Business Continuity Laws by Country

To get a better sense of the distribution of these laws, I categorized them by industry sector using a polycrisis framework from the Cascade Institute (Lawrence et al., 2023)⁸.

Table 3 Laws by sector, by country

Sectors	Canadian Laws	Australian Laws	British Laws	<u>Total</u>
Energy	0	2	1	3
Health	1	0	2	3
Social Order & Governance	6	5	3	14
Economy	27	5	7	39
International Security	0	2	0	2
Environment	0	1	0	1
Transportation & Communication	1	1	1	3
Food	0	0	0	0
<u>Total</u>	<u>35</u>	<u>16</u>	<u>14</u>	<u>65</u>

Using this framework, the data shows that while Canada may be a leader by total sum, its business continuity laws are heavily skewed towards the economic sector, while Australia and the United Kingdom have laws distributed across a variety of sectors. There are more laws in Australia pertaining to Social Order & Governance than the economy; in

⁸ I chose this framework because the categories are sensible even without familiarity with the polycrisis concept, which informed my analysis.

this category, I included laws pertaining to emergency and disaster management and childcare, for instance.

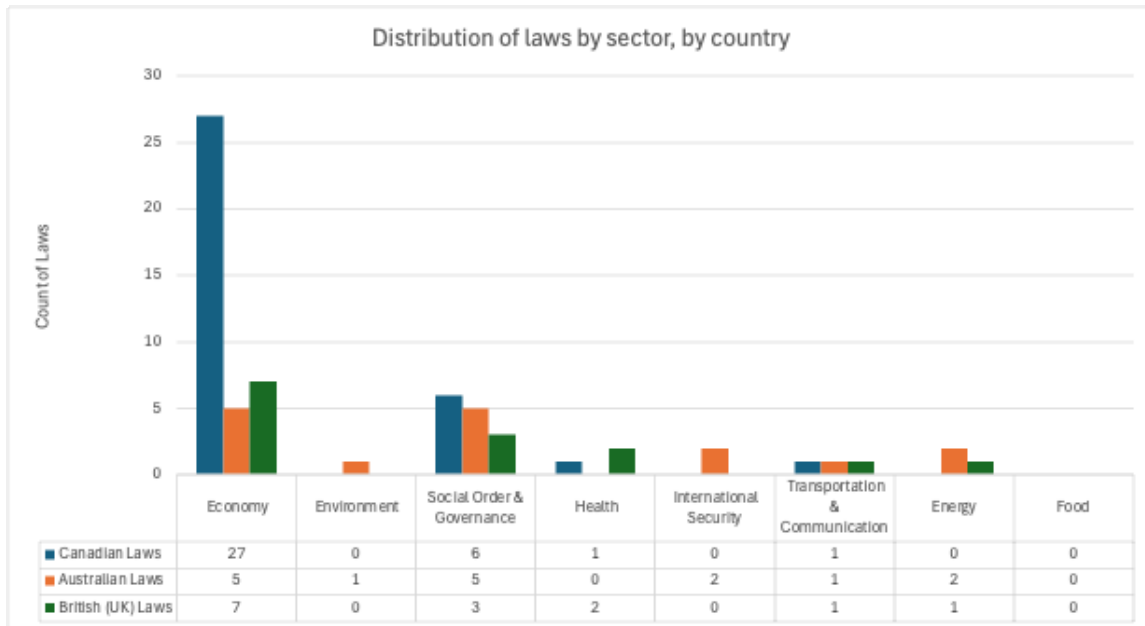


Figure 5 Business Continuity Laws by Sector, by Country

Visualizing the distribution of business continuity laws across these sectors clarifies that business continuity is applicable to a variety of entities: in Australia and England, child- and foster care; government, as we see with the various emergency management and civic contingency laws in all three nations. We are not used to considering the work of the government as “business”, typically associating this term with commerce. Yet reading through the text of the law such as Alberta’s Emergency Management Act, it’s clear that business is not only “that which one does for a livelihood”, but “that which is undertaken as a duty (Harper, n.d.)”. Business continuity, then, signifies the need to maintain our duties through a crisis. In the following sections, I’ll review in more depth the specific statutes and regulations in Canada, Australia, and the UK that define and guide these obligations.

2.3. Canada

Nearly every Canadian jurisdiction had a piece of legislation discussing business continuity; the exceptions were Prince Edward Island and Nunavut (see Figure 6). As well, most provinces had a Securities Act or associated regulation which mandated a business continuity plan of some sort. Overall, as discussed, most of Canada’s business continuity laws skewed towards the economic sector.

To find these laws, I searched CanLII and WestLaw databases for the following terms in English: “business continuity”, “business continuity planning” and “continuity

planning”⁹. I also searched both databases for their equivalents in French using the keywords “continuité d’activités”, which is the standard term used by DRI Canada in its French language assets.

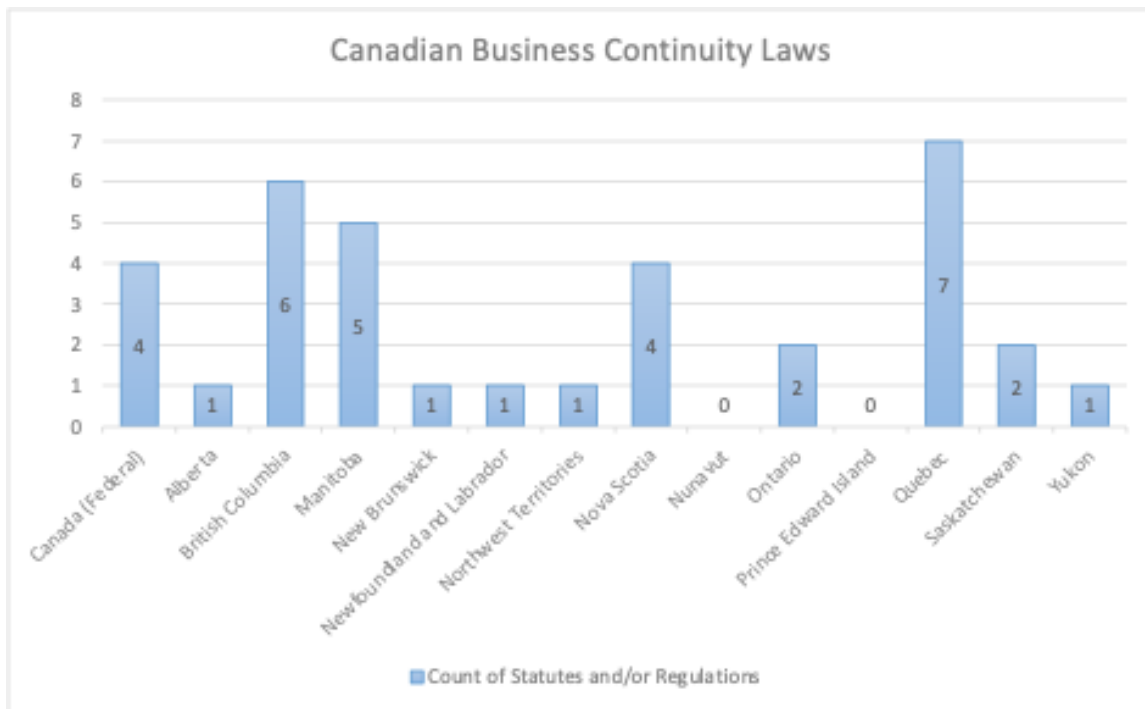


Figure 6 Canadian Business Continuity Laws

Figure 7 below showcases the distribution of Canadian business continuity laws by sector¹⁰; business continuity laws are present in Canada across the categories of Economy, Health, Social Order & Governance, and Transportation & Communication.

⁹ Essentially, I looked for all reasonable combinations of “business” “continuity” “planning” that would point me towards laws that included terms like “business continuity plan”, “business continuity planning”, “continuity plan” and “continuity planning”.

¹⁰ As noted in earlier tables and figures, the 8 sectors identified by Lawrence et al are: Energy, Health, Governance & Social Order, Economy, International Security, Environment, Transportation & Communication, and Food.

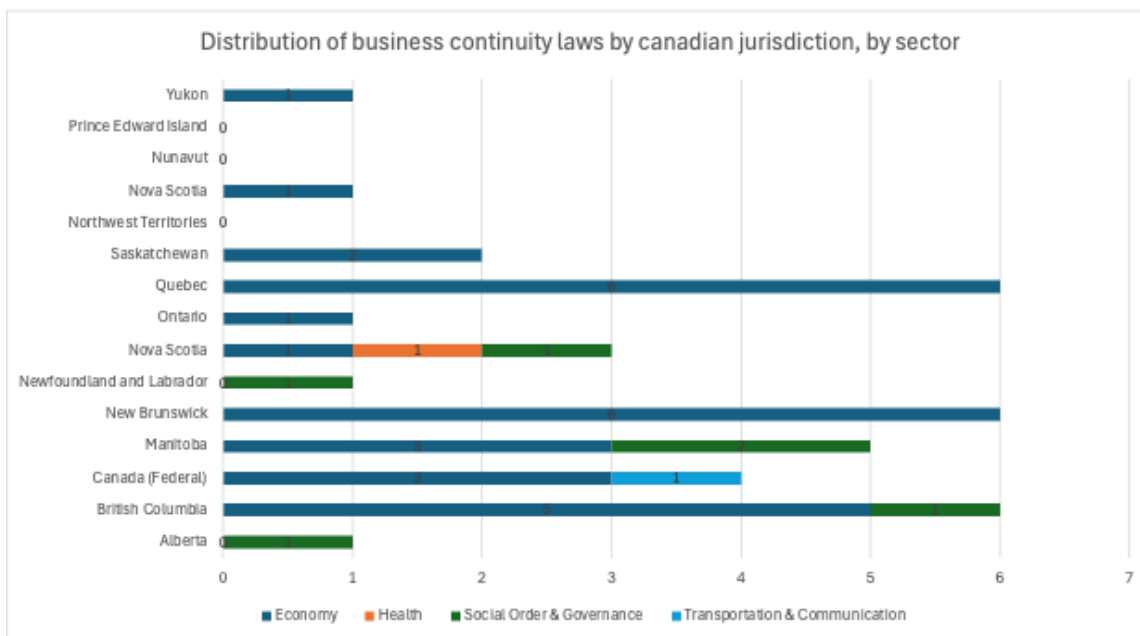


Figure 7 Distribution of business continuity laws by Canadian jurisdiction, by sector

2.3.1. Economy

Almost every jurisdiction had a Securities Act that required a business continuity plan for the data exchanges that set the benchmark price for securities—and the language of the text was similar if not identical across the various Securities Acts. These securities-related statutes and regulations were categorized as “Economy”. 27 out of the 35 Canadian laws belong to this sector.

For instance, the Quebec *Loi sur les valeurs mobilières* (in English, the *Securities Act*), says that:

A designated benchmark administrator must comply with the requirements set by regulation, including requirements relating to the control framework for its activities, in particular operational risk management, *business continuity and disaster recovery* (s. 186.2.1(8); emphasis mine).

This Act applies to a clearly articulated listing of investment formats (see s. 1 of the Act). A benchmark administrator under the Act means a person who controls the creation or provision of a benchmark¹¹ (s. 5). The Act does not specify a particular control framework, and presumably, this is the enterprise’s responsibility.

¹¹ A “benchmark” “means a price, estimate, rate, index or value that is regularly determined by applying a formula or method to one or more underlying interests or by evaluating those interests, that is published or made available to the public by onerous or gratuitous title, and that is used as a reference for such purposes as setting the interest or any other sum payable under a contract or a financial instrument, including a derivative within the meaning of the Derivatives Act (chapter I-14.01), setting the purchase or sale price or the value of a contract or a financial instrument,

New Brunswick's *Securities Act* is very similar: as in Quebec, the section on business continuity pertains to benchmarks. Section bb.72(i) requires the benchmark administrators or benchmark contributors to establish plans in the event that a benchmark changes or ceases to be provided or is subject to data failures or business continuity issues.

Outside of the securities landscape, two acts stood out within the economic landscape: the federal Regulation on Retail Payment Activities and the Manitoba *Crocus Investment Fund Act*.

The federal Regulation sets the Risk Management and Incident Response framework the government requires of retail payment service providers¹²—it specifically excludes securities (s.2). This Regulation should be of particular interest to DRI Canada's membership and other business continuity planners: It is well in line with the recommendations and general practices of business continuity required by DRI and other standards.

Retail payment service providers are Section 5(1)(f) specifically requires the payment service provider to identify and describe potential causes of operational risk, including those relating to business continuity and resilience (Section 5(1)(f)(i)). Subsequent sections require clear documentation of processes and policies to mitigate and monitor for these risks, and to set out response plans to incidents that can interrupt operational capacity.

The Regulation sets out the requirements for incident management, prevention and recovery, including the safeguarding of funds. Section 18 and 19 require the inclusion of incident reporting in the Annual Report sent to their banks.

The Manitoba Act stands out for its brevity, intention, and subsequent political scandal. The Act was created in 1991, “designed to raise capital to support Manitoba companies [and] stopped trading in 2004, after nearly 12 years of activity, over serious concerns about share valuation practices”(CBC, 2022).

The Act aims to make investments in order to earn income and to promote and maintain,

(a) capital retention and economic stability in Manitoba,

(b) employee ownership in Manitoba businesses, and

(c) business continuity, job retention and creation and ownership of Manitoba businesses by Manitobans; (emphasis mine)

Though the fund stopped trading in 2004 and was fully liquidated by 2023 (CBC, 2022), the Act still appears in keyword searches of the legislation because the Act stipulates the

including such a derivative, or measuring the performance of a financial instrument or of an investment fund” (s. 5).

¹² A “payment service provider means an individual or entity that performs payment functions as a service or business activity that is not incidental to another service or business activity.” (*Retail Payment Activities Act* S.C. 2021, c. 23, s. 177)

creation of the Fund, and not its maintenance. This Act is particularly interesting because we see how the notion of business continuity is paired with the idea of sovereignty and national identity—harkening back to the origins of business continuity during the Cold War era (Folkers, 2017).

2.3.2. Health

I found one regulation in Nova Scotia, the Hospitals Regulations, NS Reg 53/2015. The enabling statute for this regulation is the *Nova Scotia Hospitals Act*, which came into force in 1989 and which has seen thirteen amendments since, most recently in 2022. This regulation is the only one currently in force associated with the *Hospitals Act*.

Business continuity appears twice in the Regulation, although the regulation does not define “business continuity” or “business continuity plan”. Section 1 of the regulation prescribes Nova Scotia Health Authorities (HA) with the development of multiple plans: a plan for internal and external emergencies arising within the HA, management zone or hospital building, a plan for activating emergency operations centres within HA or management zones during emergencies, fire safety plans for the prevention and control of fires within hospital buildings, and “business continuity plans and procedures to respond to loss of critical infrastructure and mission critical services”.

Section 5 also stipulates that Health Authorities must retain records and reports pertaining to emergency planning for at least 2 years, specifically “a written record of each inspection, test and practice related to preventing and controlling fire or other emergencies, including events that threaten business continuity, for at least 2 years and make the records available to the Minister on request.”

There are several implications to this Regulation - first, the regulation clearly contextualizes hospitals and business continuity planning within the context of critical infrastructure. Critical infrastructure is defined as infrastructure which is critical to the integrity and sovereignty of the national apparatus. Second, requiring a written record of each inspection, test and practice related to business continuity suggests that regular exercises are being carried out by emergency and business continuity managers. The law does not require exercises but requires record-keeping of these exercises; it assumes, then, that exercises will be held.

2.3.3. Transportation & Communication

Across Canada, there was significant variation in the length and breadth of the legal texts—and many of the documents did not define the term “business continuity” at all. The most detailed regulations were the ones associated with the federal Aeronautics Act: Can. Reg. 2011-318 - Canadian Aviation Security Regulations, 2012. The goal of this regulation is to “enhance preparedness for acts or attempted acts of unlawful interference with civil aviation and to facilitate the detection of, prevention of, response

to *and recovery from* acts or attempted acts of unlawful interference with civil aviation” (section 1(1), emphasis mine). It further details how to achieve this level of continuity by rigorously defining an access and identity management protocol for the various classes of airports (aerodromes in the legal text; see s. 63, 169-170, 325-326, 452).

2.3.4. Social Order & Governance

Across Canada, 6 laws fit under the category of Social Order & Governance: these are mostly Emergency Management laws (4 out of 6); the two exceptions are the Manitoba Planning Regulation and Nova Scotia’s *Public Service Act*. In general, the Western provinces lead the business continuity: these laws are governments speaking to themselves, outlining their obligations to themselves and their residents.

Table 4 Social Order & Governance Business Continuity Laws in Canada

Jurisdiction	Statute	Legal citation
British Columbia	Emergency and Disaster Management Act	S.B.C. 2023
Alberta	Emergency Management Act Alta. Reg. 248/2007 - Government Emergency Management Regulation	Alta. Reg. 248/2007
Newfoundland and Labrador	Emergency Services Act	S.N. 2008
Manitoba	Planning Act Man. Reg. 81/2011 - Provincial Planning Regulation	Man. Reg. 81/2011
Nova Scotia	Public Service Act	R.S.N.S. 1989
Manitoba	The Emergency Measures Act	S.M. 1987-88, c. 11

British Columbia’s *Emergency and Disaster Management Act* (EDMA) is significant: first, for its engagement and commitment to respecting Indigenous traditional knowledge, and its alignment with the BC *Declaration on the Rights of Indigenous Peoples Act*. Second, its prescriptions onto critical infrastructure (CI) owners are exemplary of the difficulties of managing crises in a distributed system of public/private partnerships such as Canada’s: CI is defined as any “system, network, facility or asset, whether physical or virtual and whether publicly or privately owned”, and this creates a tension in appropriately managing crises and disasters. EDMA is primarily concerned with emergency management, but business continuity planning is prescribed as a responsibility of CI owners and public sector agencies. The definition of public sector agency is outlined within the *Budget Transparency and Accountability Act* under the terms “government organization¹³” and “government reporting entity¹⁴” (see

¹³ The Act defines a "government organization" as “a corporation or other organization that is within the government reporting entity, other than the government itself.”

¹⁴ The Act defines a “government reporting entity” as "government reporting entity" means “(a) the government as reported through the consolidated revenue fund, (b) government corporations other than those that are government corporations solely by reason of being under an Act agents of the government, and (c) education and health sector organizations, and includes (d) each of

Glossary for full definitions). Critical infrastructure (CI) is defined in Part 1 as a “system, network, facility, asset or land described in section 48”.

Section 46 tasks public sector agencies with preparing, maintaining, reviewing and revising a business continuity plan if required by the regulations. Section 49 tasks critical infrastructure owners with the same responsibilities; section 50 requires that CI owners provide a copy of their plans and relevant records to the province.

The reporting requirements are:

1. A copy of the plan, including revisions
2. Any prescribed information and records
3. Upon request, a copy of the information and records used to prepare the Plan and any other information specified by the administrator.

Regulated entities that are not CI owners (i.e. government ministers, public sector agencies, or local authorities) must ensure their plans describe “the measures to be taken to ensure the continued delivery, during an emergency, of leadership and services necessary **for the effective functioning** of the regulated entity” (emphasis mine).

Meanwhile CI owners must describe “the essential systems, networks, facilities or assets, or parts of any of these that must continue to function effectively during an emergency”, including

- (i) the level at which services must be provided by the essential systems, networks, facilities or assets, or parts of these,
- (ii) the measures to be taken to ensure the continued provision of the services, and
- (iii) if the services are interrupted or discontinued, the targeted period for restoring them to the level referred to in subparagraph (i).

Furthermore, regulated entities (CI owners, ministers, public sector agencies, and local authorities) must make changes to their plans according to ministerial direction, and a minister may also impose business continuity planning duties on persons who are not regulated entities¹⁵.

the corporations or organizations that, under generally accepted accounting principles, is considered to be controlled by a government organization, and (e) corporations and organizations that are included within the government reporting entity by regulation under section 24 (2) (d) (i), but does not include corporations and organizations that are excluded from the government reporting entity by regulation under section 24 (2) (d) (i).”

¹⁵ I find this section particularly interesting; when I was working in emergency management, one of my tasks was to look for land the government could use for emergency group lodging facilities. Most of this land was owned by private entities such as landlords and numbered corporations. They were identified as persons who could provide emergency resources or use of the land. I wonder how the revised Act would have impacted our land use planning? The Act states “(3)The circumstances for the purposes of subsections (1) (a) and (2) are as follows:

- (a)the person engages in an activity that is or may create a hazard;
- (b)the person uses a process or property in a manner that is or may create a hazard;
- (c)a condition that is or may create a hazard exists or may exist on land that the person owns or occupies;
- (d)the person provides or may be able to provide emergency resources or the use of land

Finally, EDMA is significant for its alignment with the British Columbia *Declaration on the Rights of Indigenous Peoples Act* (DRIPA). It acknowledges that traditional Indigenous knowledge has historically been ignored, or used and unacknowledged, in emergency and disaster management. Section 166 of EDMA explicitly acknowledges that Indigenous knowledge is an important and reliable source of information in business continuity planning. Historically, Indigenous knowledge has been devalued in opposition to “Western” forms of knowledge. This section is unprecedented and exemplary¹⁶.

Section 166 also explicitly requires an intersectional approach to planning. Emergencies and disasters affect individuals differently based on their lived experiences and socioeconomic strata. British Columbia’s government adopted the Gender-Based Analysis Plus (also known as GBA+) framework, as well as [the Indigenous Gender Based Analysis Plus \(IGBA+\)](#) toolkits years ago to aid in the development and planning of policies and plans such as BCPs. Including this requirement in the law mandates all agencies that create BCP (public sector, regulated and critical infrastructure owners) in British Columbia to be familiar with and to utilize the GBA+ and IGBA+ frameworks.

Finally, the Act tasks all ministers with maintaining business continuity plans for their respective agencies (sections 44-46); this is in alignment with what we see in Alberta.

Alberta. Regulation 248/2007 - Government Emergency Management Regulation

Alberta Regulation 248/2007 (also known as Alta. Reg. 248/2007) is the Regulation that outlines the obligations of the Alberta Emergency Management Agency (AEMA). This is a particularly interesting regulation for two reasons: first, it pairs business continuity and emergency management, and second, this regulation is government speaking to itself: it assigns specific responsibilities to the AEMA (s.2), a government agency, including the development, implementation and maintenance of the Alberta Emergency Plan, which must include the Government of Alberta Business Continuity Plan and any hazard-specific plans required (s2(c)).

A business continuity plan is a plan through which, across Alberta’s government:

- (i) essential services will be prioritized,
- (ii) mitigation measures are employed, and
- (iii) continuity of service strategies are co-ordinated and implemented;

While comprehensive in its outlining of responsibilities, the regulation keeps definitions somewhat vague: the definitions section defines the contents of a business

¹⁶ The full text reads:

Respecting standards and procedures for preparing business continuity plans (166(b)) including:

- i. Respecting the sources on which the Plan is based (166(b-i))
- ii. Respecting the obtaining and incorporation of Indigenous knowledge, local knowledge and other information (166(b-ii))
- iii. Respecting cultural safety and intersectionality (166(b-iii))
- iv. Respecting other matters to be considered (166(b-iv))

continuity plan, but doesn't define what these government essential services are nor what is considered a business disruption. Identifying essential business functions is something that is part of the business continuity planning process: however, these results are not made public, making it difficult for citizens and researchers to assess whether governments are meeting their essential functions in a disruption.

Others

Having worked with communities on water scarcity planning, as an urban studies student and as a member of both the Canadian Institute of Planners and the Planning Institute of British Columbia, I was intrigued by the inclusion of business continuity in planning regulation (Man. Reg. 81/2011)¹⁷ and public service (R.S.N.S. 1989)¹⁸. Manitoba's regulation recognizes the "complex entanglements" of community and continuity planning; it also recognizes what many of my interviews had difficulty contending with, which is that we operate in silos.

The Nova Scotia Public Service regulation stipulates that the Minister of Service Nova Scotia and Internal Services has the supervision, direction and control of all matters relating to business continuity planning and management for the Government of the Province (46EB(i)).

Nova Scotia has a [defined business continuity policy](#); this policy clearly identifies the legal grounding for the policy by citing the *Public Service Act* and the Civil Emergency Planning Regulations made under section 25 of the Nova Scotia *Emergency Management Act*. Again, to me this shows the extent to which community and continuity planning are entangled, and while there is little detail in the legal text, the mention of continuity planning showcases that it is front of mind to governments, who are increasingly considered service providers.

¹⁷ "It is also intended that development plan by-law policies be mutually supportive of the policies of other local or regional plans, including integrated watershed management plans, transportation plans, **municipal emergency and business continuity plans** and climate change action plans." (Part 4, Man. Reg. 81/2011)(emphasis mine).

¹⁸ "The Minister of Emergency Management has, unless specifically assigned to another member of the Executive Council, **the supervision, direction and control of business continuity planning and management** for the Government of the Province (36B(b)) (emphasis mine)

2.4. Australia

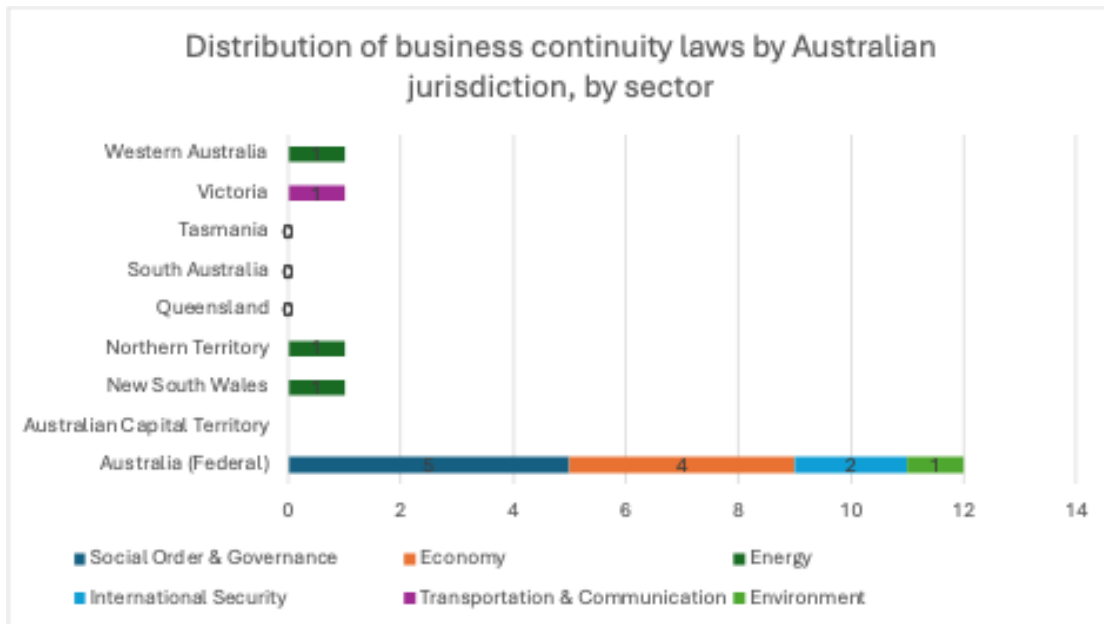


Figure 8 Distribution of business continuity laws by Australian jurisdiction, by sector

It was difficult to assess the true number of business continuity laws in Australia; as explained earlier, many of the different merely had the term “amendment” added at the end of the originating Act, and the specifics in parenthesis (see *Table 2 Naming conventions and examples of Amendments (Australia and UK)*). However, there are at least 16, and they span social sectors. The Australian landscape elicited some pertinent comparisons to Canada. CI is written through the lens of national security, rather than emergency management as it is in Canada. As well, the COVID-19 pandemic is what led to the update of business continuity payment laws to daycare services remained operational. These new business continuity payments are now solidified in case of disasters or other emergencies.

To find relevant legislation, I used the same method that I used for Canada and the UK, except I used a combination of AustLII and Australian government websites to locate relevant legislative texts. Australia has prioritized business continuity across the most sectors (6 out of 8) compared to Canada (4 of 8) and the UK (5 of 8) (see Figure 5). However, many of these laws showcase the degree to which it is difficult to delineate specific social sectors: the Timor Sea Amendment, for instance, relates to petrol leases (aka “energy”) within the Timor Sea, and the CI Act is relevant to social order & governance as well as international security. The many amendments to the Family Assistance legislation also showcases the extent to which Australians relies on a patchwork of public and private daycare providers, who in turn rely on government subsidies in order to provide this essential service. Canada’s own daycare landscape is similarly patchworked: the Australian case study could provide Canadian provinces with an approach to managing this sector.

The federal Australian *Security of Critical Infrastructure Act 2018* positions critical infrastructure through the lens of national security, while the Canadian CI landscape is focused on the overall “health, safety, security” and “economic well-being of Canadians and the effective functioning of government”—a more expansive approach. The Australia Act was enacted in order to “manage the national security risks of espionage, sabotage and coercion arising from foreign involvement in Australia’s critical infrastructure” (Australian Government Department of Home Affairs, n.d.). It handles CI assets similarly to BC EDMA, acknowledging that CI owners are not necessarily governments. However, unlike EDMA, it is primarily concerned with safeguarding Australia from foreign agents¹⁹, rather than managing disaster risk. It creates a register of CI, identifying certain CI assets as being of “national significance”; it is punitive, stating that “it is an offence to disclose that an asset has been declared a system of national significance (see section 45)”.

The *Treasury Laws Amendment (Timor Sea Maritime Boundaries Treaty) Act 2019 (No 59, 2019)* follows this geopolitical angle. Timor-Leste was established in 2002 as an independent nation, yet it was not until the 2018 Timor Sea Maritime Boundaries Treaty that the maritime boundaries with Australia were formally established; “Timor-Leste opted in 2016 for compulsory conciliation under the United Nations Convention on the Law of the Sea (UNCLOS)” (Prime Minister Kay Rala Xanana Gusmão, 2020), which roots this law under the category “International Security” sector rather than “Economy”. The language pertaining to business continuity in this Act is concerned with ensuring that the corporations with petroleum leases within the maritime boundaries of the new treaty “provide ‘conditions equivalent’ to participants in transitioned petroleum activities affected by the treaty”.

2.4.1. Deep dive: Amendments on A New Tax System (Family Assistance) (Administration) Act 1999

Conceptually, this law is interesting in a similar way what we will explore with the British Supported Accommodations Regulation: it recognizes a broader range of business continuity applications outside of purely financial and economic systems (in this case, categorized under “social order and governance”), This Act and its many amendments establish scenarios (such as stillbirth and newborns) and financing (such as Child Care Subsidies) for parents, families, and childcare providers. This particular Australian Act has undergone numerous revisions since its enactment in 1999. Listed below are the amendments which create and impact business continuity payments:

¹⁹ 51 (1) The Minister may, in writing, declare a particular asset to be a critical infrastructure asset if the asset is critical to:

- (i) the social or economic stability of Australia or its people; or
- (ii) the defence of Australia; or
- (iii) national security; and
- (d) there would be a risk to:
 - (i) the social or economic stability of Australia or its people; or
 - (ii) the defence of Australia; or
 - (iii) national security; if it were publicly known that the asset is a critical infrastructure asset.

1. A New Tax System (Family Assistance) (Administration) Act 1999
2. Family Assistance Legislation Amendment (Child Care Rebate) Act 2011
3. Family Assistance Legislation Amendment (Child Care) Act 2010 (No 34, 2010)
4. Family Assistance Legislation Amendment (Early Childhood Education and Care Coronavirus Response and Other Measures) Act 2021 (No 26, 2021)
5. Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017

Currently, the sections relevant to business continuity provide childcare providers with business continuity payments under various scenarios. These sections provide childcare service providers (e.g. daycares) with the ability to receive funding from the Australian government (sections 205A-C) under certain scenarios. The Act defines a provider as either (194a-d) an individual, a registered corporation, partnership or other entities approved by the Ministry of Education; and the Act enables these providers to be approved for “the purposes of the family assistance law in respect of one or more childcare services that the provider operates or proposes to operate”.

Services Australia is in the business of providing Child Care Subsidies (CCS) directly to providers, who must pass it on to families as a childcare fee reduction within 14 days of receiving the funds (Services Australia, 2025b). In return, the provider is responsible for reporting on the children under their care each week and the hours of care provided. If the payment/fee reduction cannot be passed on, then the provider must refund the subsidy. Section 205 outlines the scenarios and the procedure for initiating a business continuity payment, while section 71 outlines how a payment must be returned to the Australian government if the provider is no longer approved to provide childcare services, but they have received business continuity payments under section 205.

Providers give enrolment notices and weekly session reports in order to gain the subsidy (Services Australia, 2025c); if they fail to report their hours, it is possible for the providers to continue receiving payments—these are the business continuity payments outlined in Section 205A.

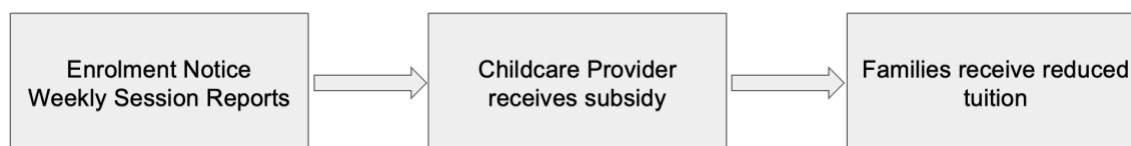


Figure 9 Business-as-usual subsidy process for Australian daycares

During the COVID-19 pandemic, the Australian Government introduced a Viability Support Package from August 23, 2021, to November 30, 2021, enabling eligible providers within “Commonwealth-declared COVID-19 hotspots [to receive] a business continuity payment” based on their pre-lockdown revenue, even if their enrollment numbers were lowered (due to the pandemic). The time range a provider was eligible for business continuity funding was dependent on their region—for instance,

certain providers in New South Wales were eligible from August 23 to October 17th, while others were eligible from August 23rd to October 31st(Services Australia, 2025a).

In 2021, section 205C was implemented to extend business continuity financing to childcare providers in the event of emergencies and disasters; the amendment to the *A New Tax System (Family Assistance) (Administration) Act 1999* came concurrently with an amendment to the *A New Tax System (Family Assistance) Act 1999*, which provided the Minister with additional powers during a period of emergency or disaster²⁰.

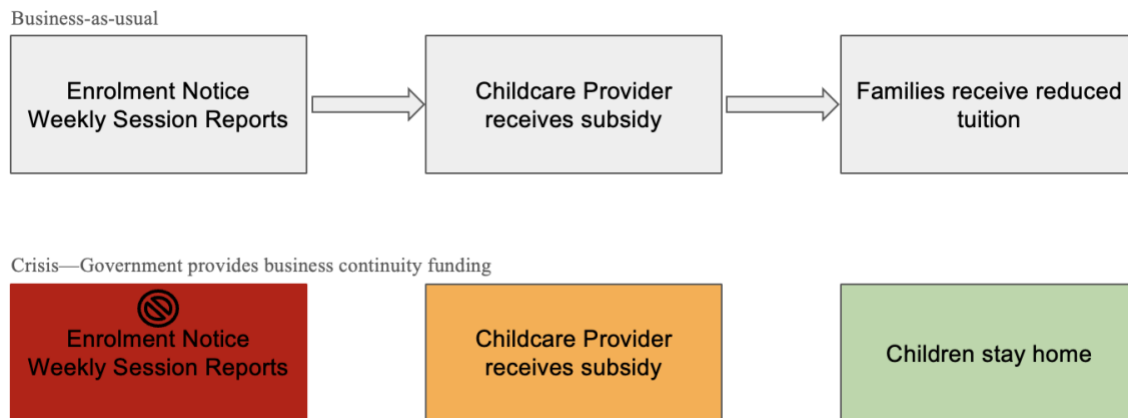


Figure 10 Business-as-usual enhanced by crisis business continuity payments

Essentially, this power allows the Minister discretion in choosing to continue providing Child Care Subsidies to impacted providers *as well as* business continuity payments (or whether to suspend subsidies while business continuity payments are being made) (Minister for Education and Youth, the Honourable Alan Tudge MP, n.d.). Again, this stopgap financing reinforces Australia’s belief in providing essential social services through a crisis helping to expand our conception of business continuity, revealing the important fact, that the government relies on private entities to provide childcare, an essential public service, and so has an interest in ensuring these private entities can withstand crises.

²⁰ See Section 205C(2):

An **emergency or disaster** is:

- (a) an emergency or disaster prescribed by the Minister’s rules for the purposes of this paragraph; or
 - (b) a major disaster (within the meaning of the *Social Security Act 1991*); or
 - (c) a Part 2.23B major disaster (within the meaning of the *Social Security Act 1991*).
- (3) The Minister’s rules may prescribe any other matters relating to the making of payments

2.5. The United Kingdom

Following a similar approach to Canada and Australia, I used WorldLII to identify relevant British laws, which I then looked up on legislation.gov.uk. There I confirmed the jurisdictional extent of each law and whether they were still in force. In the United Kingdom, all legislation must be accompanied by an explanatory memorandum, which articulates the rationale and policy landscape behind the legislation. I found 12 relevant primary and secondary statutory instruments, including orders, regulations, and rules. All the laws applied to the entirety of the UK, except for the Supported Housing Regulation which applies to England only (not Scotland or Northern Ireland).

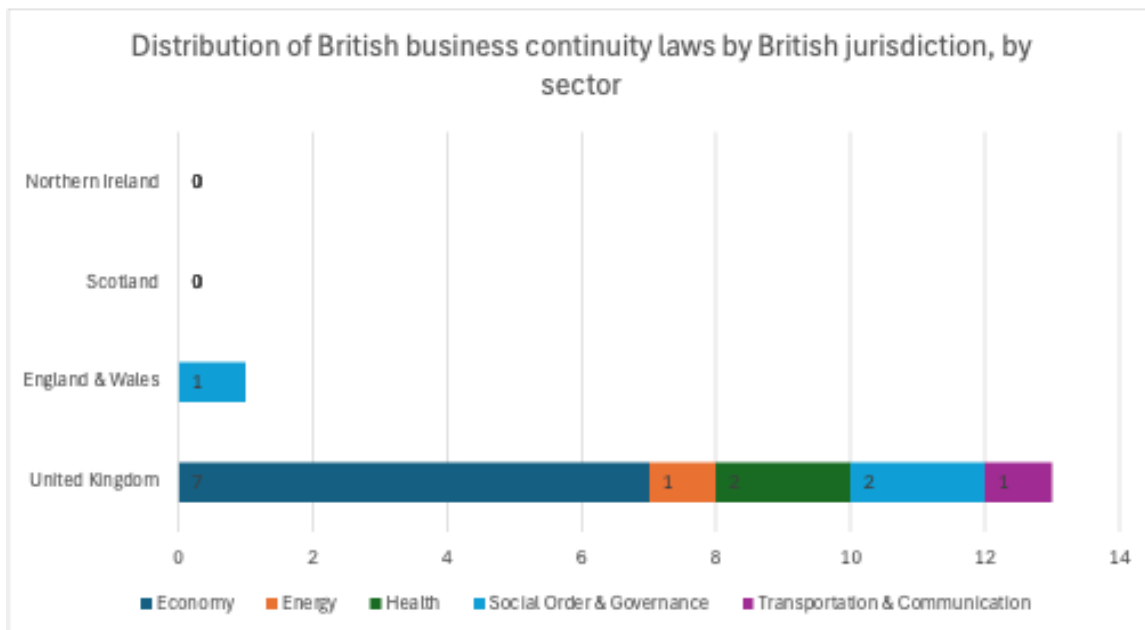


Figure 11 Distribution of British business continuity laws by British jurisdiction, by sector

Overall, the British set of laws covered a wider variety of industries and interest groups, though there were fewer business continuity laws overall than in either Canada or Australia. Still, Canadian business continuity planners may be inspired by the legal leadership of these laws.

Like Canada, there are many securities-related laws, also pertaining to benchmark pricing. There is also the Payment Services Regulations 2017 No. 752, which requires payment service providers to have appropriate business continuity measures in place. In applying to the Regulators, applicants must include “a description of the applicant's business continuity arrangements, including a clear identification of the critical operations, effective contingency plans, and a procedure for regular testing and reviewing of the adequacy and efficiency of such plans”. There were also multiple laws aimed at smoothing the economic transition out of the European Union customs’ frameworks.

Outside of the economic sector, there were interesting case studies in the health and housing (categorized as social order & governance) sectors. In the Health category are two pharmacy laws²¹, stipulating that

An NHS Pharmacist (P) must have at all times an up to date business continuity plan for P's pharmacy premises, which is available at those premises, to deal with the temporary suspension because of illness or another reason beyond the control of P of the provision of pharmaceutical services at or from those premises.

This requirement applies to NHS pharmacist subcontractors under what the NHS calls “hub and spoke” arrangements. These continuity provisions were expanded as a result of the COVID-19 pandemic, in an acknowledgment that the closure of one NHS-operated pharmacy would increase demand at other pharmacies (Community Pharmacy England, 2024). This is one example that Canadian jurisdictions should take particularly note of.

2.5.1. Deep Dive: Supported Accommodation (England & Wales) Regulations 2023 No. 416

One British law to take note of is the Supported Accommodation (England & Wales) Regulations 2023 No. 416, which positions supportive housing as critical infrastructure. This regulation is the result of a complex set of factors, notably the COVID-19 pandemic and the murders of two children, Arthur Labinjo-Hughes and Star Hobson. These children had been deemed at-risk prior to government lockdowns, but due to the lack of continuity of care, ended up victims of domestic violence²². These children were not in supportive housing prior to lockdowns, but the aftermath of their murders led to a significant upheaval of Ofsted and amendments of the *Child Act 1989*. The result was that providers of foster care housing would now become accountable to local authorities for having business continuity plans, ensuring continuity of housing for the children in their care.

Supportive housing must “ensure that a business continuity plan is in place, covering all areas, including staffing, premises, emergency scenarios and closure of the supported accommodation undertaking.” Providers must also maintain specific contingency plans, with business continuity plans ensuring responsiveness to unexpected disruptions, while the contingency plans are there to address anticipated issues (*Explanatory Memorandum: The Supported Accommodation (England) Regulations 2023*, n.d., p7).

²¹ The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 and an amendment which mentions business continuity planning, the National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 No. 479

²² These children were not in care, but the aftermath of their murders led to changes to the entire childcare and foster care (called supported care) ecosystem.

Furthermore, business continuity planning must be considered at the outset, *as the child is being placed*; the government’s policy specifically centers the young person’s perspective on continuity:

Staffing structures should promote continuity of support from the young person’s perspective. Due regard should be given if a young person complains or shares a view on how the staffing structure could be improved to promote the best support for them and appropriate action should be taken. (*Guide to the Supported Accommodation Regulations Including Quality Standards*, n.d.)

This extends to staffing, with government guidelines stating that providers must ensure “that the employment of any temporary staff will not prevent young people from receiving the continuity of support to which they are entitled.” (*Guide to the Supported Accommodation Regulations Including Quality Standards*, n.d.). Continuity planning “must cover failure across all areas including [...] buildings, emergency scenarios, and so on.”(*Guide to the Supported Accommodation Regulations Including Quality Standards*, n.d.), including workforce planning, with plans clearly specifying “how staff respond flexibly to unexpected events to promote continuity of support”(*Guide to the Supported Accommodation Regulations Including Quality Standards*, n.d.).

After the enactment of this regulation, the Local Authorities Association issued their own Guidance Document for Local Authorities working with providers of supported accommodations, advising that they “pre-emptively identify providers at highest risk of non-compliance or financial failure and develop early contingency plans to reduce the risk of homelessness. This helps to avoid situations that are both distressing to residents and costly to council, including supporting providers from both a financial and quality perspective.” (Local Government Association, n.d.).

This regulation helps us understand how critical infrastructure could be understood more broadly: if a person has no home, or unpredictable housing, then their prospects and livelihoods are limited. The “Stable Homes, Built on Love” Strategy addresses this systemic limitation by aiming for stability and continuity within the children’s housing sector writ large. The implications for local governments (aka Local Authorities) in England are quite clear: in the event that a home is unable to continue accommodating the children, they are responsible for ensuring adequate alternatives and continuity of care (one example can be found in the City of Derby’s Contingency Planning policy(City of Darby, 2024)).

While the Canadian child welfare and social services landscape is structured quite differently from the British landscape, there are lessons that can be applied. This Regulation shows a legal recognition that housing is a critical and essential resource, and that society’s most vulnerable, children, are guaranteed continued housing despite any predictable or unpredictable crisis. Parallels to this Regulation can be found in Australia’s *A New Tax System (Family Assistance) (Administration) Act 1999* where business continuity payments are paid out to daycares in cases of emergencies or disasters.

There are quite a few laws pertaining to business continuity, and given the history of the field, it isn’t surprising that most of them are located within the economic sector. The jurisdiction scan shows that there are various actors within these various systems that

have influenced the creation of business continuity laws in Canada and abroad; and that these lobbying actions can come from different places (as we saw with the Supported Accommodation Regulation).

As we have seen, the law rarely defines what business continuity is or entails, and so business continuity planners must seek out external professional associations, like DRI, or standards such as CSA z1600, for guidance. The law does not make definitions, and it is possible that governments are leaving it to organizations to decide for themselves what makes sense for their specific business (which is in line with the recommendations of many business continuity standards).

Chapter 3. A checkbox culture? Insights from focus groups and interviews

Unsurprisingly, most of my study participants (focus group and one-on-one interviews) did not have a sense of the full legal landscape of business continuity, though most of them were very familiar with the specific laws for their own industry (not necessarily related to business continuity—e.g., Alberta Energy Regulations). All my participants were certified either through DRI, BCI, or both, however, and they were very familiar with the details of the various standards documents and each association’s professional practices guidelines.

I found that many business continuity planners felt a sense of impotence within their general organizations (what many participants called a “checkbox culture”). This perceived sense of organizational impotence propelled them towards joining professional business continuity associations; these associations in turn informed the standardization and the proliferation of business continuity management globally, and these standards were in turn adopted by countries such as Canada and the United Kingdom, where they were then used to justify the existence of organizational business continuity programs (in private and public organizations alike). In my participants’ experience, this feedback loop creates a paradox where over time, organizations “right-size” or “down-size” their continuity programs, possibly fueling this feeling of impotence. However, this feedback loop also *generates* new business continuity programs. As many of my research participants shared, best practices, standards, guidelines and laws helped them justify and propel the development and maturing of organizational continuity for their respective organizations.

As discussed in the jurisdiction scan, I found that some laws *do* significantly follow the best practices recommended by the business continuity standards—not all of them and not everywhere, but the work of professional associations, via their work in standards development, impacts the legal landscape tangibly.

Outside of this sense of impotence, terminology was a large area of contention across the interviews: though participants had varying interpretations on the problem of terminology²³ (“we need to streamline the number of terms we use” to “terminology variation makes sense depending on industry” “we don’t need to streamline”), every participant held a distinct outlook on the problem of terminology and what it implied in terms of practice. For instance, Bertrand spoke of a significant outage of Australia’s 000 service (their equivalent to 9-1-1), noting that critical infrastructure can be defined as “a lifeline service”, services that we are 100% dependent on; from a government standpoint, “the concern is very much that the service is always available”. However, governments don’t think in this way: Public Safety Canada does not define critical infrastructure as “lifeline services”, and neither does the government of Australia.

²³ Interestingly, Canada co-leads the Terminology Working Group role on the ISO22301 committee (International Organization for Standardization, n.d.).

3.1. Ethics, Method and Participant Profile

As a researcher at Simon Fraser University using interview and focus group data as a source of my research data, I had to submit my research plan and ethics protocol to the Research Ethics Board (REB). I received ethics approval in December 2024, which allowed me to begin recruiting my focus group participants, and subsequent one-on-one interview participants. For the sake of brevity, unless explicitly noted as a focus group or one-on-one interview, I will refer to both as “interviews”

I sought out my focus group participants through business continuity networks, including DRI Canada’s membership list. For this stage of the research, I was specifically looking for people who were currently or had recently (<1 year) been working as business continuity planners. I advertised on LinkedIn and various business continuity email lists. I also advertised at various conferences in March 2025. To better understand the dynamics of business continuity planning within organizations, and to foster open dialogue between participants (to elicit as much qualitative data as possible), I kept the focus groups deliberately small, convening two separate groups in April 2025 of three and four participants, respectively.

I sent all participants a discussion primer and the Research Ethics consent form ahead of the meeting. We met virtually on zoom, where we agreed to operate under the Chatham House Rule, which states:

When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed. (Chatham House, n.d.)

A successful focus group needs comfortable participants who will not be worried about their opinions being held against them in the future. In Canada, I’ve found the business continuity field to be relatively small, and I have run into many of my informants²⁴ and participants in professional and personal contexts.

Zoom also allowed me to record individual participant audio, making it easy to narrow in on the various participants’ perspectives even if they spoke at the same time. I then transcribed all audio files using Descript software.

Table 5 Focus Group participant profiles

Pseudonym	Focus Group	Industry
Maddison	Focus Group A	Utilities (Hydroelectricity)
Olivia	Focus Group A	Public Sector (Financial Services)
Ina	Focus Group A	Utilities (Electricity Distribution)
Taylor	Focus Group B	Defence

²⁴ Informants are people who have referred me to their network for interview subjects, and/or who have helped *inform* my thinking around this topic.

Indira	Focus Group B	Healthcare and Finance
Bethany	Focus Group B	Professional Services
Pooja	Focus Group B	Higher Education

Following an initial review and open-coding analysis of the focus group transcripts, several themes emerged alongside the question of critical infrastructure planning, the urban environment and the evolving disaster/hazardscape. Evangeline, the Focus Group B participant who had worked in the Canadian Armed Forces, felt strongly that business continuity planning and disaster recovery ought to be better incorporated across various levels of municipal operations and planning—precisely because large-scale critical infrastructure such as potable water treatment is already protected. Reflecting upon her experience responding to the 2018 Ottawa Floods, she said

One of the things that worked really well and that had business continuity planning was City of Ottawa Engineering; they had set up pre-plans and business continuity plans for the Water Treatment Plant and sewage. We knew what do in terms of protective measures there. *Most of the flooding response was actually spent trying to salvage and protect residential communities like houses and whatnot.* (40'00, Focus Group B, emphasis mine).

That observation led me to want to delve more deeply into Evangeline’s experience responding to the flood, so I scheduled a follow-up, one-on-one interview with her. I began to better appreciate the ways in which continuity planning interacted with urban planning, revealing the complex interplay of professional associations, international standardization bodies and governments.

Additional questions emerged, so I reached out to various people in my network who worked in Food, Water, International Security, Healthcare etc. (all the sectors represented in my jurisdiction scan). I ended up interviewing ten individuals who worked or had worked in these sectors in their critical infrastructure careers.

Table 6 Interview participant profiles

Pseudonym	Date (DD-MMM-YY)	Industry	Country	Interview Length
Abigail	30-Apr-25	Defence / Academia	Canada	0:33:04
Bertrand	18-May-25	Emergency Management	Australia	0:40:26
Carl	20-May-25	Higher Education	Canada	0:30:03
Taylor	26-May-25	Telecommunications	Canada	0:19:29
Andres	29-May-25	Professional Services	Canada	0:50:46

Jack Lindsay²⁵	29-May-25	Research (EM, BCP & Urban Planning)	Canada	0:48:03
Elisabeth	01-Jun-25	Urban Planning (Climate & Transportation)	Canada/Australia	0:28:28
Ralph	06-Jun-25	Transportation	Canada	0:36:18
Evangeline	09-Jun-25	Defence	Canada	0:26:58
Romeo	26-Jun-25	Professional Services	Canada	0:31:17

My interviews helped me see that my participants' professional ambition was a factor in them joining or forming associations with the aims of developing best practices in emergency management, business continuity, and social resilience. In forming these groups and professional associations, their practices and outlooks spread organically throughout the broader BCP landscape as they joined government standardization committees.

Carl, an EM and BC planner at a tertiary education institute, made this explicit in our interview:

I try to get on as many councils and committees that I can, because if I'm part of enough, different communities, then that information will naturally flow into my work. I'm part of a national post-secondary institute working group, I'm also part of BCI Canada, DRI Canada, IAEM Canada.

Another interview participant, Jack Lindsay explicitly mentioned being a technical committee member for the first two editions of CSA Z1600, the Canadian standard for Emergency Management and Business Continuity Programs, as well as the fourth edition.

As I was trying to get a sense of the business continuity landscape, I found four different standards referenced consistently: CSA Z1600, NFPA 1600 (aka NFPA1660), and ISO 22301. At first, I didn't quite understand why there were so many standards, and how they related to one another, if at all. I did find that all my informants consistently referenced these standards in their work, more than they referenced specific statutes or regulations. To come to an understanding of their role, I reviewed each standard and mapped out the relationships; I found that organizations such as DRI International (an affiliate of DRI Canada) and the BCI were explicitly mentioned as contributors and advisors within the ISO22301 text. There emerged, then, a picture of the various agents and networks that guide BCP; and these standards are adopted by governments at the municipal, provincial, territorial, national and international levels, especially within internal and external policy documents. To showcase this relation, I mapped out the relationship between ISO, SCC, CSA and the various BCP associations (see Figure 12).

²⁵ Jack consented to being identified by his real name at the beginning of our interview.

3.2. Impact of Law and Regulation

This theme highlights the limitations of relying on law for standardization and the influence of legislation on creating a checkbox culture, where business continuity planning is seen as an something rote rather than core to corporate functioning. However, the focus group discussions elicited several citations of different laws and regulations. Jean and Aoi, both in electricity, work in different provinces with portions of Jean's organization also operating in Aoi's province. They pointed out that while law didn't drive business continuity planning, it was seen as a potential tool to justify business continuity programs. As Aoi said, "I'm just looking up the Alberta one [the law] to see if I've got something that can fuel my rationale".

Participants also highlighted the importance of specificity in the law, the limitations of general laws, and the challenges posed by slow and unpredictable legal processes. This was specifically mentioned in the context of "right-sizing" business continuity programs. Jean mentioned that, in her organizations, BCP had taken on too heavy a toll, and so the organizations had chosen to drastically cut their investment in the program. In the context of the BC EDMA, which is still in the process of developing specific regulations and having them made into law, her current organization had scaled down their BCP centrally, and then transferred over to a specific department, which Jean felt was problematic. Additionally, "with the act the way it is right now, because it's not specific, nobody will do anything until they understand what it means" (Aoi, Focus Group A, 26'). Aoi and Gabrielle concurred that:

Aoi: Unless it says, "you must do this on pain of death", it doesn't happen.

Gabrielle: And it needs to be specific.

This theme leads me to the next two: terminology and organizational dynamics. I analyze these themes concurrently as the use of terminology was seen as a tool to drive greater engagement and buy-in for BCP programs. Terminology confusion created laggard BCP, but more general terminology such as "resilience" led to stronger buy-in from departments and focus on core function planning.

3.3. Terminology and Organizational Dynamics

My analysis revealed that terminology confusion²⁶ represented a significant barrier to effective BCP implementation. Organizations struggle with inconsistent use of terms, particularly between departments. IT departments often maintain separate contingency plans focused solely on disaster recovery, leading to communication breakdowns. For example, one participant reported having to explain basic business

²⁶ Examples of relevant codes: terminology confusion, terminology, term changed led to successes, terminology issues, terminology buzzwords, lack of standardization is an issue

continuity concepts to IT staff who believed they weren't responsible for BCP because they "weren't business."

Successful organizations have found that adopting broader terminology like "corporate resiliency" leads to stronger departmental buy-in and better alignment with core functions. This shift in terminology helps bridge the gap between technical and business stakeholders, facilitating more comprehensive planning approaches.

Both focus groups stressed the ways in which internal organizational dynamics²⁷ play a crucial role in BCP success, with corporate sponsorship emerging as a vital and reoccurring theme. My focus group participants strongly felt that organizations with dedicated champions and financial resources demonstrate greater success in implementing effective BCP programs. Many spoke about how departmental siloes often develop their own interpretations of critical operations, which may not align with broader corporate objectives.

The presence of dedicated funding and leadership support significantly influences program effectiveness. Both focus groups noted that having proper resources enables hiring specialized staff and pursuing portfolio initiatives effectively. Conversely, lack of funding creates significant challenges, as evidenced by one participant expressing jealousy toward peers who had secured dedicated budgets for their programs.

Internal dynamics and leadership within organizations was one of the recurrent themes in this discussion. First, siloes emerge within organizations, with many departments identifying what was critical and required continuity of operations, even if their idea of criticality did not align with larger corporate objectives. Typically, in a BCP program, planners will undertake a Business Impact Assessment (BIA) across the organization and its departments. When initiating BIAs, the participants all noted that responses were often sluggish. Terminology confusion often was the cause of this sluggish response, with several participants across both focus groups and the interviews citing that Information Technology departments typically had their own contingency plans, most aimed at disaster recovery.

Gabrielle: I was just explaining that this morning, actually, what business continuity was, in a meeting with IT folks. Some guy was like, no, Gabrielle, we don't need to do business continuity, we're not business. Like, that's not what that term means.

Aoi: I'm starting to utilize terminology like corporate resiliency.

Jean: Yes—it's corporate and it's resilience, and maybe this is why our program was a little more successful on its latest run. We had a resiliency sponsor, and now we have multiple resiliency sponsors: one on the Finance and IT side, the other on Safety.

²⁷ Examples of Focus Group A Codes: corporate audit, departmental continuity not corporate, corporate sponsorship/champion crucial, corporate objectives rather than law. Focus Group B Codes: alignment to corporate objectives, avoiding the binder on a shelf, corporate services, org objectives

The success of BCP is tied to corporate sponsorship, not only because of their advocacy, but because this also came with financial support for the program. Both Jean and Gabrielle had dedicated budgets to pursue their portfolios, including hiring staff members. Aoi, on the other hand, expressed frustration: “I am a little bit jealous, I have no funding.”

3.4. Crisis Management and External Events

Despite significant external disruptions like the 2022 Rogers Telecom outage and Calgary water main breaks (2024, 2025 and 2026), both focus groups revealed that crisis events alone rarely drive meaningful improvements in BCP adoption²⁸. Organizations sometimes fail to recognize the importance of integrating emergency management (EM) and business continuity planning (BCP), treating each as distinct entities. The relationship between EM and BCP exists along a spectrum, with EM typically focusing on immediate crisis response while BCP addresses longer-term operational continuity. Organizations have begun borrowing practices from the incident command system (ICS) to enhance their operational resilience beyond traditional emergency response.

Building organizational resilience requires regular exercises and training to develop what participants described as "muscle memory." This approach ensures that response capabilities become second nature during actual crises. The COVID-19 pandemic has notably influenced planning approaches, forcing organizations to adapt their strategies for managing complex, interconnected disruptions (polycrises). We had an extended discussion of various external events, such as the July 2022 Rogers Telecom outage and the June 2024 Calgary water main break (which led to extended periods of water rationing and water scarcity throughout the region). Somewhat counterintuitively, these crisis events did not necessarily lead to an increased focus on continuity planning within their organizations. Aoi tried to take advantage of a localized event that sent her organization into crisis early in her career; she felt especially impotent when a two-hour system outage led to the shutdown of multiple data centers.

Aoi: I did an after-action review, but it was shut down, and I think because I was so new in the role, I didn't want to rock the boat.

The feedback was that the after-action review was overkill, though these are essential components of business continuity programs. Interview participants all felt that crises themselves were not sufficient to justify business continuity programs.

Here, we began to note the complementary roles of EM and BC, specifically of EM and BCP as occurring along a spectrum. We also discussed the importance of

²⁸ Examples of Focus Group A Codes: treating BCP like emergency management (EM), IT cyber attacks, external events (cyber), BCP vs EM, rogers telecom outage, a crisis isn't enough to drive BCP, Calgary water main break, after action review. Examples of Focus Group B Codes: difference between EM and BC, complementary, history is reactive, need to exercise, resilience is muscle memory, muscle memory, COVID, how we approach planning, polycrisis, nonprofits need BCP for funding

exercises and muscle memory in building organizational resilience, and the impact of crises like COVID on planning approaches. Typically, many of the participants noted, exercises are done in emergency management to ensure a robust response: many borrowed tactics from the incident command system and EM, using practices applied more towards maintaining operational resilience rather than emergency response.

Gillian: I always promote that our emergency coordination center that we have at our post-secondary. It's a business continuity emergency coordination center.

We're not putting those fires out. The fires that we're putting out are all business area connected. You know, we make the calls to those third parties, the EMS people, and they come in and they save the day and they do their thing, or even the infrastructure people, if it was like a pipe bursting and that's causing a flood and what have you.

Essentially, we are managing the business: we are business strategists. Unless you're a fully responder organization, your emergency coordination center would be a business emergency coordination center. You know what I mean?

Though they all worked in different sectors and in different regions around the world, they had all felt compelled to join professional emergency management and business continuity associations. Many of them had contributed to best practices guidelines, as well as government and standardization committees. My participants showed me that they were particularly passionate and driven about business continuity planning beyond their day-to-day roles and contracts within and for organizations—and this general passion translated into direct impact and oversight over the broader regulatory landscape.

My interviews found that the law was one of many tools planners used to leverage their programs, and that they were generally quite educated about the standards, laws and best practices for business continuity within their specific sectors.

Most were demoralized by “checkbox cultures” within their organizations and did not necessarily feel that their work had impact. However, I found that this sense of demoralization drove planners to join and maintain connection with professional associations in the fields of business continuity, emergency management, and their specific industries municipally, regionally, nationally, and internationally. Ironically, this work has led to very tangible impact not on the legal system. Carl noted astutely, Business continuity isn't hitting the news, it's never actually identified as business continuity, even though supply chain management, the tariffs, that's all business continuity.

We don't get infiltration via mass media about it—even though we do, but we don't. Do you know what I mean? So, I keep an ear to the ground.

Chapter 4. Conclusion: Canada *is* moving beyond a checkbox culture

The research objective was to understand the legal landscape of business continuity and to identify whether business continuity planners leveraged the law in carrying out their duties. Globally, business continuity is mostly represented in the economic sector, but we are beginning to see much more incorporation of business continuity in emergency management and critical infrastructure laws.

The many Canadian laws that mention business continuity clearly show that Canada is moving beyond a checkbox culture, though it may not necessarily feel like it. British Columbia offers a potent example with EDMA. By recognizing the “disproportionate impacts of emergencies on Indigenous peoples” (Tim Pritchard et al., 2023), EDMA requires that all plans developed under the Act utilize an intersectional lens²⁹. As well, the “definition of “emergency” is expanded to include events that pose a risk to objects and sites of cultural value” (Tim Pritchard et al., 2023). Finally, the Act explicitly recognizes the sovereignty of Modern Treaty Nations and Indigenous bodies³⁰ (Tim Pritchard et al., 2023). Recognizing the complex landscape of emergencies and disasters in this manner is a clear step away from the checkbox culture my interviews lamented, and it will hopefully result in more adaptable, resilient communities in British Columbia.

In November 2025, I completed DRI Canada’s BCLE 2000 (an introductory course to business continuity management), becoming more familiar with best practices in business continuity. Among my classmates, I was the only student with private sector experience. My seven classmates worked (and had only worked) in government: one worked for a Prairies First Nations; two worked in the British Columbian government, and two had come from the federal government’s nuclear safety commission. Two were emergency managers for small BC communities: one on coastal Vancouver Island and the other from a village in the Kootenays. Like my teacher, Lisa Benini, I had a mix of public and private sector experience as a consultant. We all felt that business continuity was of particular importance to governments and public sector agencies and recognized the complex reliance governments have on the private sector in business continuity.

²⁹ In practice, all Canadian and federal departments have had policies directing their staff to utilize the intersectional GBA+ and IGBA+ frameworks in their work for many years.

³⁰ From Tim Pritchard et al., 2023: “EDMA designates Modern Treaty Nations as distinct local authorities in relation to their treaty areas. The Minister of Emergency Management and Climate Readiness (the Minister) and the Lieutenant Governor in Council will not have the same oversight powers over Modern Treaty Nations as they over other local authorities, such as municipal and regional governments. The Minister will not be able to approve or cancel emergency orders in treaty areas or order a Modern Treaty Nation to undertake certain actions, such as extending a state of emergency within their jurisdictional area or completing risk assessments or emergency management plans. Outside of their treaty area, Modern Treaty Nations will have the same rights as Indigenous governing bodies and will be able to enter cooperation and consultation agreements with the Province in respect of non-treaty traditional territory areas.”

After completing the course, I reviewed the Canadian, Australian and British laws several more times, as well as the various standards (NFPA, CSA group and ISO). I saw the standardized program of business continuity I had just learned about implemented within the legal texts. It became clear that the work of standardization has made its way out of the policy context and into the legal domain. My interviews showed that many business continuity planners feel that their work is an uphill battle, so I decided to follow the documentation and map out the associations between the various actors in the legal landscape (see Figure 12 on the next page), to understand the feedback loop that organizations such as DRI Canada are a part of. Business continuity makes a difference.

The Standards Council of Canada (SCC) is a Crown Corporation established and maintained by the *Standards Council of Canada Act*; SCC represents Canada at the International Standards Association (ISO). SCC accredits, develops and distributes standards documents either by adapting existing international standards (such as the ones developed/accredited by ISO) or developing Canadian standards. SCC accredits Canadian and foreign organizations that are approved for the development of these standards; CSA Group has the largest number of published standards accredited by SCC, and it also participates in the development of standards at the ISO level. CSA z1600 is one of the primary standards documents used by business continuity planners in Canada. It is based off NFPA1600/1660. At the ISO level, CSA Group will also represent the SCC on certain technical committees. Figure 12 showcases the interrelationships between these various organizations. Each standard is developed by a specialized technical committee. CSA z1600 is prepared by the Technical Committee on Emergency & Continuity Management, and members include several members of DRI Canada: Jeff Hortobagyi, my primary advisor on this research project; Lisa Benini, a consultant and Business Continuity instructor with DRI Canada; and several of my interviewees (whom I cannot name here)(Canadian Standards Association, 2017). My interviewees spoke to me at length about the difficulties of getting buy-in for business continuity within their organizations.

They and others like them make a tangible impact on the regulatory landscape through their external work on technical committees, which is evident when I map out the various agents and relationships in Figure 12. For example, CSA z1600 was originally harmonized with NFPA1600 (Lindsay & Meyers, 2008). Members of that CSA z1600 Technical Committee also participated in the ISO22301 Technical Committee (ISO/TC292) (Lindsay & Meyers, 2008).

Australia and the United Kingdom incorporate business continuity into many more segments of their society such as housing and social services, while Canada's CI policy is more focused on hard infrastructure. Public Safety Canada has identified 10 CI sectors: Energy and Utilities, Finance, Food, Government, Health, Information and Communication Technology, Manufacturing, Safety, Transportation and Water. Housing, shelter, and social services are not included on this list.

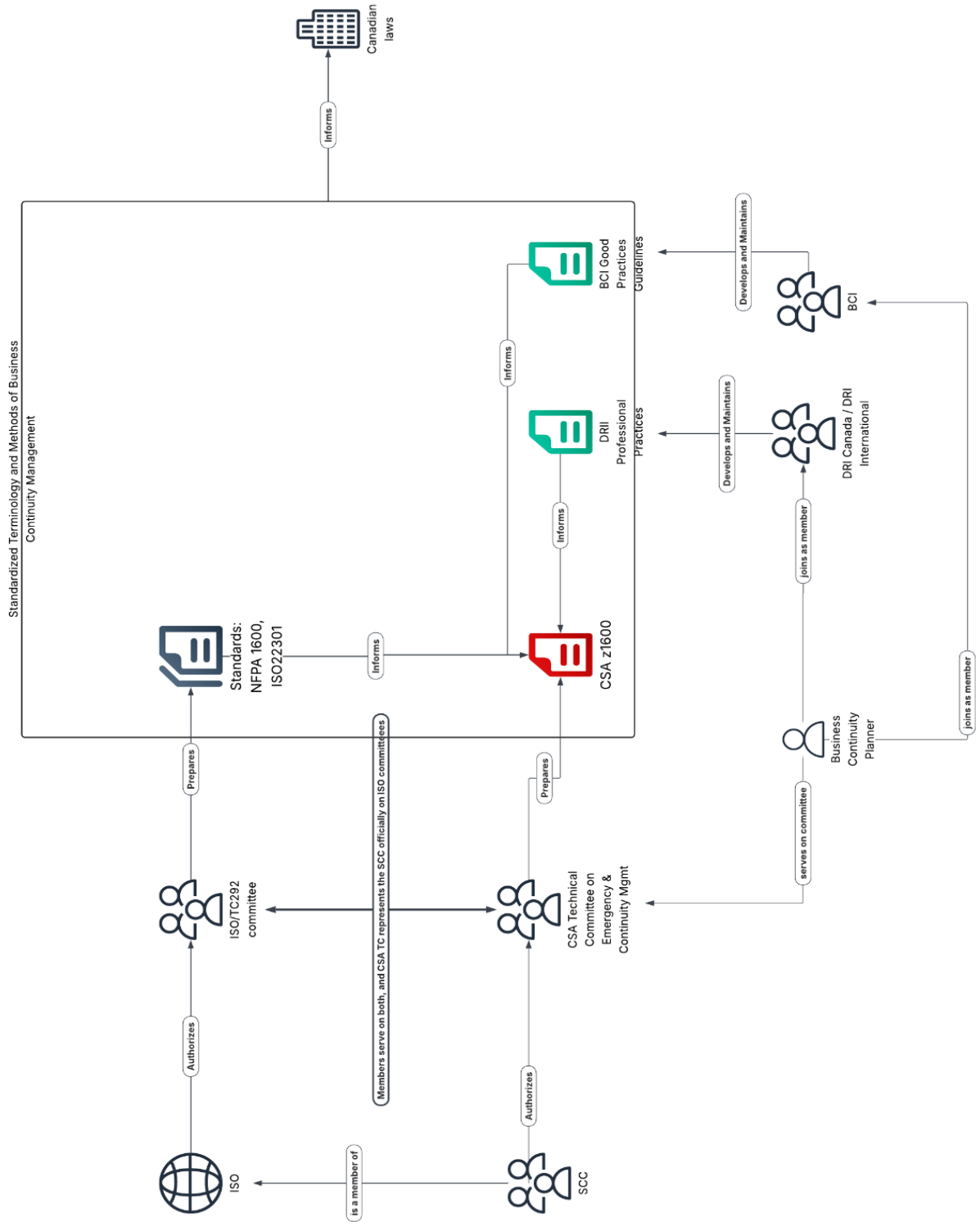
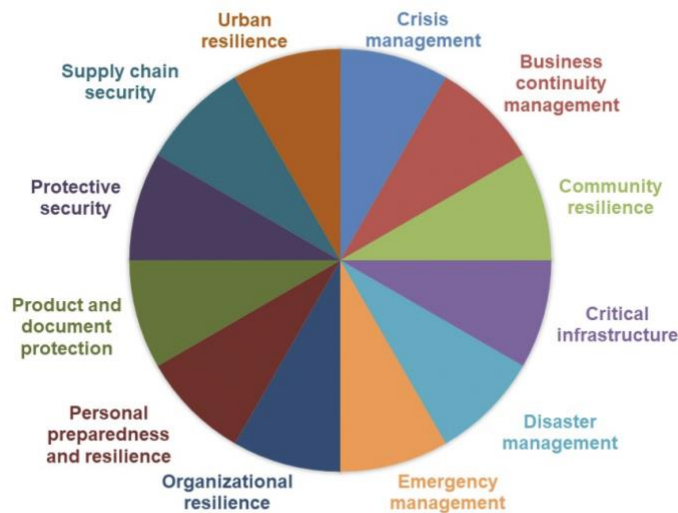


Figure 12 Relationships between the various Business Continuity Organizations and the Regulatory Landscape

ISO22301 is prepared by the ISO/TC292, Security & Resilience Technical Committee; among its core responsibilities are urban and community resilience (see Figure 13). Members of the Canadian z1600 committee have been a part of this committee since at least 2008 (Lindsay & Meyers, 2008). There are avenues for greater overlap between business continuity, community planning, and social resilience. As we saw with the United Kingdom and Australia, supply chain security (via pharmacy business continuity planning and emergency funding for daycares) tie into personal preparedness and



community resilience. Business continuity planners must balance organizational resilience against cost: if their programs are too expensive or resource-heavy, then they face the risk of “right-sizing”.

Figure 13 ISO/TC 292 Security and resilience Technical Committee Core Areas (from International Organization for Standardization, n.d.)

My interviews showed me that finding the right size for a business

continuity program will differ depending on whether you sit at the executive level or within a team dedicated specifically to business continuity planning, whether you are in-house or a consultant. As Bertrand notes as well, many business owners and executives will choose to shutter a business unit when it gets too pricey--and if this unit provides a critical service, then it will be up to the community and/or the government to shore up that gap. Our laws must balance these competing priorities within this distributed public/private partnership structure.

Andres, a consultant who has worked across emergency management and business continuity, said it well:

Government is there to ensure a safe environment for people: a safe, built environment for people. That means those corporations, all those teachers, the water and wastewater people, electric, whether they're internal to a city or external, all the buildings that are being built and whatever sports, everything.

Laws are there to protect people. The deep dive into what led to the UK’s Supported Accommodation Regulation shows us that policy, however well-intended, is

severely tested in times of crisis, and people fall through the cracks. Laws create accountability.

While Canada has many laws pertaining to business continuity, they are overwhelmingly laws to stabilize the economic sector. These laws are necessary and provide important stability to the Canadian system. This project, however, has shown that business continuity could be used in a wider context.

Appendix A. Canadian Business Continuity Laws

In force as of February 2026.

#	Jurisdiction	Name of Statute	Sector
1	Canada	Aeronautics Act Can. Reg. 2011-318 - Canadian Aviation Security Regulations, 2012	Transportation & Communication
2	Canada	Canada Deposit Insurance Corporation Act Can. Reg. 2006-236 - Canada Deposit Insurance Corporation Application for Deposit Insurance By-law	Economy
3	Canada	Canada Deposit Insurance Corporation Act Can. Reg. 93-516 - Canada Deposit Insurance Corporation Deposit Insurance Policy By-law	Economy
4	Canada	Retail Payment Activities Act Can. Reg. 2023-229 - Retail Payment Activities Regulations	Economy
5	Alberta	Emergency Management Act Alta. Reg. 248/2007 - Government Emergency Management Regulation	Social Order & Governance
6	British Columbia	Emergency and Disaster Management Act (EDMA)	Social Order & Governance
7	British Columbia	Securities Act B.C. Reg. 203/2016 - Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting	Economy
8	British Columbia	Securities Act B.C. Reg. 251/2001 - National Instrument 21-101 Marketplace Operation	Economy
9	British Columbia	Securities Act B.C. Reg. 64/2007 - National Instrument 24-101 Institutional Trade Matching and Settlement	Economy
10	British Columbia	Securities Act B.C. Reg. 27/2016 - National Instrument 24-102 Clearing Agency Requirements	Economy
11	British Columbia	Securities Act B.C. Reg. 216/2021 - Multilateral Instrument 25-102 Designated Benchmarks and Benchmark Administrators	Economy
12	Manitoba	Credit Unions and Caisses Populaires Act Man. Reg. 90/2022 - Prudential Standards for Credit Union Central of Manitoba Regulation	Economy
13	Manitoba	Credit Unions and Caisses Populaires Act Man. Reg. 89/2022 - Standards of Sound Business Practice Regulation	Economy
14	Manitoba	Planning Act Man. Reg. 81/2011 - Provincial Planning Regulation	Social Order & Governance
15	Manitoba	The Crocus Investment Fund Act	Economy
16	Manitoba	The Emergency Measures Act	Social Order & Governance
17	New Brunswick	Securities Act	Economy
18	Newfoundland and Labrador	Emergency Services Act	Social Order & Governance
19	New Brunswick	Securities Act	Economy

#	Jurisdiction	Name of Statute	Sector
20	Nova Scotia	Hospitals Act N.S. Reg. 53/2015 - Hospitals Regulations	Health
21	Nova Scotia	Public Service Act	Social Order & Governance
22	New Brunswick	Securities Act	Economy
23	Nova Scotia	Commodity Futures Act	Economy
24	Ontario	Credit Unions And Caisses Populaires Act, 2020 Ont. Reg. 105/22 - General	Economy
25	New Brunswick	Securities Act	Economy
26	Quebec	Derivatives Act Que. Reg. CQLR, c. I-14.01, r. 1.1 - Regulation 91-507 respecting trade repositories and derivatives data reporting	Economy
27	Quebec	Derivatives Act Que. Reg. CQLR, c. I-14.01, r. 1 - Derivatives Regulation	Economy
28	New Brunswick	Securities Act	Economy
29	Quebec	Securities Act Que. Reg. CQLR, c. V-1.1, r. 5 - Regulation 21-101 respecting Marketplace Operation	Economy
30	Quebec	Securities Act Que. Reg. CQLR, c. V-1.1, r. 8 - Regulation 24-101 respecting Institutional Trade Matching and Settlement	Economy
31	Quebec	Securities Act Que. Reg. CQLR, c. V-1.1, r. 8.01 - Regulation 24-102 respecting Clearing Agency Requirements	Economy
32	Quebec	Securities Act Que. Reg. CQLR, c. V-1.1, r. 8.2 - Regulation 25-102 Respecting Designated Benchmarks and Benchmark Administrators	Economy
33	Saskatchewan	Securities Act, 1988 R.R.S., c. S-42.2, Reg. 3 - The Securities Commission (Adoption of National Instruments) Regulations	Economy
34	Saskatchewan	The Securities Act, 1988	Economy
35	New Brunswick	Securities Act	Economy

Appendix B. Australian Business Continuity Laws by Sector

In force as of February 2026.

#	Jurisdiction	Name of Statute	Sector
1	Australia (Federal)	A New Tax System (Family Assistance) (Administration) Act 1999	Social Order & Governance
2	Western Australia	Building And Construction Industry (Security Of Payment) Regulations 2022 (Western Australia)	Economy
3	Australia (Federal)	Corporations Legislation Amendment (Derivative Transactions) Act 2012	Economy
4	New South Wales	Electricity Supply Act 1995 (NSW)	Energy
5	Australia (Federal)	Family Assistance Legislation Amendment (Child Care Rebate) Act 2011	Social Order & Governance
6	Australia (Federal)	Family Assistance Legislation Amendment (Child Care) Act 2010 (No 34, 2010)	Social Order & Governance
7	Australia (Federal)	Family Assistance Legislation Amendment (Early Childhood Education And Care Coronavirus Response And Other Measures) Act 2021 (No 26, 2021)	Social Order & Governance
8	Australia (Federal)	Family Assistance Legislation Amendment (Jobs For Families Child Care Package) Act 2017	Social Order & Governance
9	Australia (Federal)	Income Tax Assessment Act 1997	Economy
10	Northern Territory	National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations 2016	Energy
11	Australia (Federal)	Security Of Critical Infrastructure Act 2018	International Security
12	Victoria	Transport Integration Act 2010 (Victoria?)	Transportation & Communication
13	Australia (Federal)	Treasury Laws Amendment (2017 Enterprise Incentives No 1) Act 2019 (No 7, 2019)	Economy
14	Australia (Federal)	Treasury Laws Amendment (2017 Measures No 5) Act 2018 (No 27, 2018)	Economy
15	Australia (Federal)	Treasury Laws Amendment (Timor Sea Maritime Boundaries Treaty) Act 2019 (No 59, 2019)	International Security
16	Australia (Federal)	Water Regulations 2008	Environment

Appendix C. British (UK) Business Continuity Laws by Sector

In force as of February 2026.

#	Jurisdiction	Name of Statute	Sector
1	United Kingdom	The Civil Contingencies Act 2004 (Commencement No.3) Order 2005 No. 2040 (C89)	Social Order & Governance
2	United Kingdom	The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 No. 2042	Social Order & Governance
3	United Kingdom	The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2018	Economy
4	United Kingdom	The Customs (Contravention of a Relevant Rule) (Amendment) Regulations 2018 No. 483	Economy
5	United Kingdom	The Customs Transit Procedures (EU Exit) Regulations 2018	Economy
6	United Kingdom	The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 No. 701	Economy
7	United Kingdom	The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 No. 701	Economy
8	United Kingdom	The Gas Safety (Management) (Amendment) Regulations 2023 No. 284	Energy
9	United Kingdom	The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	Health
10	United Kingdom	The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 No. 479	Health
11	United Kingdom	The Network and Information Systems Regulations 2018 No. 506	Transportation & Communication
12	United Kingdom	The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019	Economy
13	United Kingdom	The Payment Services Regulations 2017 No. 752	Economy
14	United Kingdom	The Supported Accommodation (England) Regulations 2023 No. 416	Social Order & Governance

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