



MANITOBA ORDER IN COUNCIL

Crown Services

DATE: **March 21, 2018**

ORDER IN COUNCIL NO.: **00082 / 2018**

RECOMMENDED BY: **Minister of Crown Services**

ORDER

1. Approval is given to the minister responsible for *The Crown Corporations Governance and Accountability Act* (the “Minister”) to issue a directive to The Manitoba Hydro-Electric Board (“Manitoba Hydro”) in the form attached at Schedule “A”.
2. This Order comes into effect immediately.

AUTHORITY

The Crown Corporations Governance and Accountability Act, C.C.S.M. c. C336, states:

Directives

13(1) The minister may — with the approval of the Lieutenant Governor in Council — issue a directive to a corporation

- (a) respecting
 - (i) matters of policy and the accounting policies and practices for the corporation,
 - (ii) standards to be complied with in respect of advertising done by the corporation, and
 - (iii) the conduct of special organizational reviews to be conducted by the corporation;
- (b) to ensure that practices of two or more corporations are consistent; and
- (c) to ensure that two or more corporations act in concert with each other or with government departments or agencies when doing so will further efficiency and effectiveness.

Accounting standards apply

13(2) A directive in respect of accounting policies and practices must be consistent with generally accepted accounting principles that reflect the public interest.

Compliance

13(3) A corporation must comply with a directive given under this section.

Directives to be made public

13(4) The minister must make a directive public, in a manner he or she determines reasonable, within 30 days of the directive being given to the corporation.

BACKGROUND

No.

1. The Minister recommends that the attached directive be issued to Manitoba Hydro.

No.

Schedule A

**A Directive to
Manitoba Hydro Electric Board
Respecting Agreements with Indigenous Groups
and Communities**

Issued by: The Honourable Minister Cliff Cullen
Effective: _____

BACKGROUND

The *Crown Corporations Governance and Accountability Act* provides for the issuing of directives to one or more Crown corporations as follows:

- 13(1) The minister may — with the approval of the Lieutenant Governor in Council — issue a directive to a corporation
- (a) respecting:
 - (i) matters of policy and the accounting policies and practices for the corporation,
 - (ii) standards to be complied with in respect of advertising done by the corporation, and
 - (iii) the conduct of special organizational reviews to be conducted by the corporation;
 - (b) to ensure that practices of two or more corporations are consistent; and
 - (c) to ensure that two or more corporations act in concert with each other or with government departments or agencies when doing so will further efficiency and effectiveness.

PURPOSE

The purpose of this directive is to ensure the alignment of government policies and priorities with the policies and practices of Manitoba Hydro relating to relationship agreements, community benefit agreements or other similar agreements with Indigenous communities and groups.

APPLICATION AND SCOPE

This directive applies to all relationship agreements, community benefit agreements and other similar agreements, including those being developed, future agreements and renewals, or amendments to existing agreements, between Manitoba Hydro and any Indigenous communities or groups.

This directive does not apply to agreements for the provision of goods or services. This directive does not apply to agreements that provide for mitigation or compensation measures to address adverse effects of activities of Manitoba Hydro where Manitoba Hydro has thoroughly defined the adverse effects, and where Manitoba Hydro legal counsel has provided a legal opinion that the mitigation or compensation measures are reasonably required to address a legal obligation or potential liability of Manitoba Hydro.

This directive does not apply to agreements necessary to carry out the day-to-day business of Manitoba Hydro, such as easements, expropriations or agreements for electric service.

DIRECTIVE

Manitoba Hydro is directed to not proceed with the agreement with the Manitoba Metis Federation at this time.

Going forward, all relationship agreements, community benefit agreements or other similar agreements to which this directive applies between Manitoba Hydro and Indigenous communities and groups require review by the Minister of Crown Services before being executed.

Further, to ensure alignment between the policies and procedures of Manitoba Hydro and the priorities and policies of the government, Manitoba Hydro is directed to collaborate with Manitoba Crown Services to develop a strategy to advance reconciliation with Indigenous communities and groups.