



MANITOBA

ORDER IN COUNCIL

DATE: **November 25, 2020**

ORDER IN COUNCIL NO.: **330/2020**

RECOMMENDED BY: **Attorney General**
Minister of Crown Services

ORDER

The *Order re Public Meetings of Crown Corporations* set out in the attached Schedule A is made.

AUTHORITY

The Emergency Measures Act, C.C.S.M. c. E80, states:

Purpose — temporary suspension order

12.5 The purpose of sections 12.6 to 12.13 is to authorize the Lieutenant Governor in Council to make appropriate orders when, in the opinion of the Lieutenant Governor in Council, victims of an emergency or disaster or other persons affected by an emergency or disaster need greater services, programs, benefits or compensation than the laws of Manitoba provide or may be prejudiced by the operation of the laws of Manitoba.

Application — temporary suspension order

12.6(1) This section applies to the following:

...

(b) a provision that governs an action or activity in respect of carrying out a business or participating in a regulated activity, including by establishing a deadline or time period within which a report or information must be filed or submitted;

...

(f) a provision that requires an action or activity to be undertaken in the presence of a person;

...

Restrictions — temporary suspension order

12.6(2) This section does not authorize

(a) making any reduction in services, programs, benefits or compensation;

(b) shortening a limitation period; or

(c) increasing the amount of a fee or penalty.

Temporary suspension order — Lieutenant Governor in Council

12.6(3) If

(a) a state of emergency has been declared under section 10 or 11;

(b) the Lieutenant Governor in Council is of the opinion that the order would facilitate providing assistance to victims of the emergency or disaster or would otherwise help victims or other persons in dealing with the emergency or disaster and its aftermath; and

(c) the Attorney General recommends the making of the order;

then the Lieutenant Governor in Council may, by order,

(d) temporarily suspend the operation of a provision of an enactment or a by-law of a local authority; and

(e) if it is appropriate to do so, set out a replacement provision to be in effect only during the temporary suspension period.

General or specific

12.6(4) A temporary suspension order may be general or specific in its application.

Limited duration of temporary suspension order

12.7(1) A temporary suspension order is in effect for the period of time stated in the order unless sooner revoked by the Lieutenant Governor in Council.

Determination of temporary suspension period

12.7(2) The temporary suspension period is to be one of the following:

- (a) the duration of the state of emergency;
- (b) a specified number of days;
- (c) any other period of time set out in the order.

For clauses (b) and (c), the period of time shall not be more than six months from the day the order becomes effective.

...

Publication

12.12 A temporary suspension order must be published on a government website as soon as reasonably practicable.

Statutes and Regulations Act does not apply

12.13 *The Statutes and Regulations Act* does not apply to a temporary suspension order.

BACKGROUND

1. The Lieutenant Governor in Council considers the conditions in clauses 12.6(3)(a) to (c) to have been met.
2. A state of emergency was declared under section 10 of *The Emergency Measures Act* on March 20, 2020.

SCHEDULE A

ANNEXE A

THE EMERGENCY MEASURES ACT
(C.C.S.M. c. E80)

LOI SUR LES MESURES D'URGENCE
(c. E80 de la C.P.L.M.)

Order re Public Meetings of Crown Corporations

Décret concernant les assemblées publiques des corporations de la Couronne

Definition

1 In this Order, "**public meeting**" means a public meeting required to be held under clause 16(1)(d) of *The Crown Corporations Governance and Accountability Act*.

Interprétation

1 Pour l'application du présent décret, « **assemblée publique** » s'entend au sens de l'alinéa 16(1)d) de la *Loi sur la gouvernance et l'obligation redditionnelle des corporations de la Couronne*.

Electronic public meetings

2(1) A Crown corporation may hold a public meeting by telecommunications technology such as videoconferencing or teleconferencing and is not required to hold an in-person public meeting.

Assemblées publiques tenues électroniquement

2(1) Les corporations de la Couronne peuvent tenir des assemblées publiques au moyen d'une technologie de télécommunication, telles la vidéoconférence ou la téléconférence, plutôt que de les tenir en personne.

2(2) A Crown corporation holding a public meeting in accordance with subsection (1) must take reasonable measures to

2(2) La corporation de la Couronne qui tient une assemblée publique conformément au paragraphe (1) prend des mesures raisonnables pour informer le public de la façon dont se tiendra l'assemblée et lui permettre d'y participer et de poser des questions aux présentateurs.

(a) inform members of the public of the manner in which the meeting is held; and

(b) enable members of the public to participate in the meeting and ask questions of the presenters.

2(3) A Crown corporation holding a public meeting in accordance with subsection (1) is not required to hold more than one public meeting in a calendar year, or to hold the meeting in any particular physical location.

2(3) La corporation de la Couronne qui tient une assemblée publique conformément au paragraphe (1) n'a pas l'obligation de tenir plus d'une assemblée publique au cours d'une même année ni de tenir une telle assemblée à un endroit donné.

Extension of deadline for 2020 meetings

3(1) The deadline for holding a public meeting required to be held during the 2020 calendar year is hereby extended to March 31, 2021.

3(2) For the purpose of determining the deadline by which a subsequent public meeting must be held, a meeting that, but for a delay in accordance with subsection (1), would have had to be held during the 2020 calendar year is deemed to have been held on December 31, 2020.

Suspension of statutory provision

4 Clause 16(1)(d) of *The Crown Corporations Governance and Accountability Act* is temporarily suspended to the extent that it is inconsistent with this Order.

Effective Period

5 This Order takes effect beginning on December 1, 2020, and ending on May 31, 2021, unless sooner revoked.

Prorogation — assemblées prévues pour 2020

3(1) La date limite applicable à toute assemblée publique qu'une corporation de la Couronne doit tenir en 2020 est prorogée au 31 mars 2021.

3(2) Les assemblées qui, n'eût été la prorogation accordée par le paragraphe (1), auraient dû se tenir en 2020 sont réputées avoir eu lieu le 31 décembre 2020; cette date sert au calcul de la date limite applicable à la tenue de l'assemblée publique suivante.

Suspension d'une disposition législative

4 L'alinéa 16(1)d) de la *Loi sur la gouvernance et l'obligation redditionnelle des corporations de la Couronne* est temporairement suspendu dans la mesure de son incompatibilité avec le présent décret.

Période d'application

5 Le présent décret entre en vigueur le 1^{er} décembre 2020 et prend fin le 31 mai 2021, sauf révocation antérieure.