



Minutes

LEGISLATION COMMITTEE MEETING

Friday, February 12, 2016 - 11:00 a.m.

PEO Offices - Room 1C

Members:

Roydon Fraser, P. Eng. (Chair) *[via teleconference]*

Bill Kossta

Ewald Kuczera, P. Eng.

Sharon Reid, C. Tech.

George Comrie, P. Eng. (President-Elect; Ex-Officio Member)

Regrets:

Bob Dony, P. Eng. (Vice-Chair)

Thomas Chong, P. Eng. (President; Ex-Officio Member)

Staff:

Josie D'Aluisio, Administrative Assistant

Jordan Max, Manager, Policy

Michael Price, P. Eng., Deputy Registrar, Licensing and Registration *[11:40 a.m. to 12:30 p.m.]*

Andrew Tapp, Policy Analyst

Johnny Zuccon, P. Eng., Deputy Registrar, Tribunals and Regulatory Affairs *[11:00 a.m. - 12:30 p.m.]*

1. PROCEDURAL

1.1 Opening Remarks

As Chair R. Fraser attended the meeting via teleconference and Vice-Chair B. Dony was absent from the meeting, G. Comrie chaired the meeting.

Acting Chair Comrie called the meeting to order at 11:10 a.m., and welcomed and thanked everyone for attending.

1.2 Approval of Agenda

The members were asked if there were any additions or changes to the agenda. No additions or changes were provided.

A motion was made to approve the agenda as written.

Moved by: E. Kuczera Seconded by: S. Reid CARRIED

1.3 Approval of Minutes of January 8, 2016 Meeting

The members were asked if there were any additions or changes to the Minutes.

A motion was made to approve the Minutes of the January 8, 2016 meeting as written.

Moved by: B. Kossta Seconded by: E. Kuczera CARRIED

1.4 Action Items Update from January 8, 2016 Meeting

The members were referred to the Actions Items Update document included in the agenda package. J. Max updated the Committee as per the "Status" column on the chart. There was no further discussion.

2. FOR DISCUSSION

2.1 Debrief on February 2016 Council Decisions

The members were referred to the documents included in the agenda package, which were presented as a debrief of the Council discussions and decisions on the motions that were recommended by the Legislation Committee to Council.

(a) Belanger Act Change Package

J. Max noted that the only change Council made to the motions pertained to the Practitioner Information item; specifically, changing “shall” to “may” for posting information on the website.

The Committee discussed whether there was any outstanding work for the Legislation Committee on these items. The question of the time limits for posting Discipline decisions on the website was identified as something to be added to the of Outstanding Act Changes list.

Action: Staff to add the question regarding time limits for posting Discipline decisions to the Outstanding Act Changes list

G. Comrie noted that the concerns expressed at Council regarding the Limited Licence are being addressed by the Licensing Policy Committee.

J. Max noted that a letter from the Discipline Committee regarding the Belanger Act Change proposals was received a few days prior to this meeting, and had been posted in the SharePoint folder. In that letter, the Chair of Discipline Committee stated that the committee would not be providing any consensus opinion or recommendations; only those which had been offered by some of its members back in August 2015.

There was no further discussion regarding the other items in the Belanger Act Change package approved by Council. Staff will now forward the policy intents for the Act changes to the Attorney General to initiate legal drafting.

Action: Staff to forward the Council-approved policy intents to the Attorney General’s staff to initiate legal drafting of the proposed Act changes.

(b) Engineer of Record

J. Max noted that the motions to rescind Council’s earlier motions on the Engineer of Record were passed. For the purposes of the Legislation Committee, this item is now closed.

(c) CPD

J. Max noted that the motions to establish a Continuing Professional Competence Program Task Force were passed by Council, and that future work of this Task Force will form the foundations of the CPD requirements

in Regulations. The Legislation Committee will need to stay apprised of the policy intents to support future Regulations development in the 2016-17 Work Plan.

2.3 LET Seal

The members were referred to the document included in the agenda package. J. Max updated the Committee as follows.

A new LET seal had been discussed at the last Legislation Committee meeting and approved in principle, subject to confirmation of some details. At the request of the Deputy Registrar, Licensing and Registration, the item was removed from the Council agenda until further details could be resolved.

In the interim, staff conducted a historical review of Council authorizations of the Limited Licence seal. The historical research on the Limited Licence and Corporate Seal revealed that they were last approved by Council on November 12, 1993. The current Limited Licence seal contains the heading "Category", which is used by PEO to indicate a discipline, and "Limitations" which, according to the Deputy Registrar, Licensing and Registration, is left blank due to the typical length and specificity of the Limited Licence scopes. He supplied five samples to illustrate this problem. A new seal is required for both the Limited Engineering Licensee and the Licensed Engineering Technologist for the Registrar to issue new Limited Licences and LET class of Limited Licences to those persons who applied after the July 1, 2015 Regulation change and subsequently qualified.

The Committee discussed the issue and how the seal should comply with the requirements under Sections 52(4) and (5) in Regulation 941. It was recognized that neither "Category" nor "Certificate" is mentioned in the Regulation to give validation to someone reviewing the Limited Licence seal, but that there is insufficient space in the current seal to fully capture the entire limited scope of the Limited Licence holder.

As a compromise, the Deputy Registrar, Licensing and Registration offered that the Experience Requirements Committee identify a short (maximum 8-word) descriptor in the "Limitations" heading, that "Category" be removed, and that the term "licence" be inserted in front of "certificate" to be more accurate. While the authority for including the PEO corporate logo in the seal stemmed from the 1993 Council motion to approve the Corporate Seal, to be applied to all "legal documents", it was further agreed that Council should be asked to decide if the logo was required for the LEL and LET seals. It was further agreed that the updated Briefing Note be reviewed and signed off by the Chair, and sent to Council for its March 2016 meeting.

The following motion was made:

- 1) That the Legislation Committee recommend to Council that the draft LEL and LET seals be modified by removing the word “category”, adding “licence” in front of “certificate”, and that all LL and LET seals have a maximum of an 8-word summary of the licence holder’s limitation(s) to be determined by the Experience Requirements Committee.
- 2) That Council’s opinion be sought whether to continue to use the PEO corporate logo on the LEL and LET seals.
- 3) That this recommendation be presented to Council at its March 2016 meeting.

Moved by: E. Kuczera Seconded by: B. Kossta UNANIMOUSLY CARRIED

Action: Staff to update the Briefing Note, as per the Committee’s motion, and send it to the Chair to sign off prior to the March 2016 Council meeting.

2.2 Unproclaimed Council Act Decisions Log 2010-2015

The members were referred to the document included in the agenda package. J. Max updated the Committee as follows.

The log was updated as per the last Committee meeting. The Committee subsequently reviewed the updates. J. Max noted that a memo had been sent to the Complaints Committee regarding the three motions pertaining to it.

There was also discussion regarding the four Admission Appeals Process motions, and it was decided that they should be referred to the Licensing Policy Committee via a Chair-to-Chair memo.

The Committee also reviewed the letter received from the Chair of the Registration Committee, who indicated that the Committee would not be providing any policy comments on the Admission Appeals Process recommendations.

Action: Staff to draft a memo for the Chair of the Legislation Committee to be sent to the Chair of the Licensing Policy Committee, requesting further details on policy intents, evidence, a jurisdictional scan, and likely stakeholder reaction on the three Council motions in the Admission Appeals Process pertaining to the Complaints Committee.

The Committee next turned to the log items from the Complaints and Discipline Task Force. The first two items had already been referred to the Chair of the Complaints Committee. Item 19 was a proposal to remove the requirement for members of Council to sit on Discipline Committee panels.

In reviewing that item, the Legislation Committee felt that the Council motion was unclear on whether the exclusion applied only to elected members of Council, or also to appointed members of Council (LGAs) and whether, in fact, they should be exempted from the Discipline Committee, or just the panels. As these questions could not be determined from the motion to scope out the policy intent and, given that the Legislation Committee is not a policy committee, it was agreed that the Legislation Committee should send a Briefing Note to Council at its June 2016 meeting to clarify the policy intents. Staff will draft a Briefing Note for the next Legislation Committee meeting to review.

Action: Staff to draft a Briefing Note to Council requesting clarity on the policy intent of the motion; specifically, whether it included all members of Council or only elected members of Council, and whether they should be prohibited from the Discipline Committee, or only the panels. The draft Briefing Note should be presented to the Legislation Committee at its March 2016 meeting for review.

The Committee also briefly reviewed the letter received from the Vice-Chair of the Discipline Committee regarding future Act changes. As there was not sufficient time to review it, the Legislation Committee members were requested to read it prior to the March 2016 meeting.

2.4 2015 Legislation Committee Annual Report

The members were referred to the document included in the agenda package.

J. Max noted that there was an error in the draft Legislation Committee 2015 Annual Report and, in fact, the Committee had met 11 times in 2015. The Committee consensus was that the Chair should review the report in detail and sign off in advance of the March 4, 2016 deadline.

Action: Chair to review the draft Legislation Committee 2015 Annual Report and sign off by March 4, 2016.

5. **OTHER BUSINESS**

No other business was discussed.

4. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 2:05 p.m.

The next meeting is scheduled for Friday, March 4, 2016 at 11:00 a.m.