



# Minutes

## LEGISLATION COMMITTEE MEETING

Friday, February 10, 2017 - 11:00 a.m.

PEO Offices - Room 1C

### Members:

Ewald Kuczera, P. Eng. (Chair)

Christian Bellini, P. Eng.

Bob Dony, P. Eng. (Vice-Chair/President-Elect, Ex-Officio Member)

Roydon Fraser, P. Eng. *[via teleconference from 12:00 p.m.]*

Gary Houghton, P. Eng.

### Staff:

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Johnny Zuccon, P. Eng., Deputy Registrar, Tribunals and Regulatory Affairs

### Observers:

Darla Campbell, P. Eng., Chair, Government Liaison Committee

Daniel King, EIT, Member, Government Liaison Committee

### Regrets:

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

## 1. PROCEDURAL

### 1.1 Opening Remarks

The Chair called the meeting to order at 11:04 a.m., and welcomed and thanked everyone for attending, noting D. Campbell and D. King as observers from the Government Liaison Committee.

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: B. Dony                      Seconded by: C. Bellini                      CARRIED**

1.3 Approval of Minutes of January 6, 2017 Meeting

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

A motion was made to approve the Minutes of the January 6, 2017 meeting as written.

**Moved by: C. Bellini                      Seconded by: G. Houghton                      CARRIED**

1.4 Action Items Update from January 6, 2017 Meeting

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

*Council Term Limits Task Force Report*

**Chair to communicate the Legislation Committee’s feedback to the Council Term Limits Task Force by February 2017. Staff to draft memo on behalf of the Chair. [Completed]**

J. Max reported that the memo was approved by the Chair and sent to the Task Force. The members commented that the Chair of the Task Force had specifically thanked the Committee for its comments at the recent Council plenary session.

*Assessment of Regulatory Conflict with Ontario Legislation Using “Engineer” or “Engineering”*

**Prepare options for definition changes (“licensed engineering practitioner”, etc.) for the next Legislation Committee meeting in order to meet Ministry of the Attorney General deadlines for policy changes to Cabinet for Belanger Act Changes. [Completed]**

J. Max reported that this was included in today’s meeting package.

**Check the impact of definition changes on the Regulatory Conflict Log listings, and report back at the next meeting. [Completed]**

J. Max reported that this was included in today's meeting package.

*Draft By-Law*

**Communicate the Legislation Committee's direction to Mr. Steinecke to only include current Regulation references to fees and "all applicable taxes", and bring back a next draft to the next Legislation Committee meeting. [Completed]**

J. Max reported that staff had discussed the changes with R. Steinecke earlier today, and that he had revised the draft by-law, which was just received prior to this meeting.

*Strategic Plan SWOT Analysis Session Offer*

**Registrar G. McDonald to present SWOT summary at the March 3, 2017 Legislation Committee meeting, and that the meeting start at 10:30 a.m. to accommodate the activity. [Pending]**

J. Max reported that this was scheduled for the March 3, 2017 meeting. He recommended that the Committee members individually prepare some ideas for the Legislation Committee's strategic objectives in advance of the meeting in order to expedite the next meeting's session.

**2. FOR DECISION**

2.1 Assessment of Regulatory Conflict with Ontario Legislation Using "Engineer" or "Engineering"

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

(a) Regulatory Conflict Protocol (Draft)

J. Max reminded the Legislation Committee members that the draft protocol was Appendix A of the Briefing Note and, if the members agreed, it would be forwarded to Council for consideration at its March 2017 meeting. The Protocol is essentially unchanged from the version presented at the last meeting.

The members expressed interest in seeking the President's approval for holding a Council plenary session at the March 2017 meeting on the Protocol, and the need for consultation with other committees, specifically, the Enforcement Committee, Professional Standards Committee, and Government Liaison Committee, the main question being whether this consultation would be better before or after Council's review. J. Max noted that the Regulatory Compliance Department had been offered a presentation on the Protocol, but had not yet responded. The Motion Review section needs to be completed.

A motion was made to approve the Regulatory Conflict Protocol and Briefing Note for submission to Council for its March 2017 meeting, and to request to make a presentation to Council at the plenary session to provide an overview of the materials that will form part of the decision Briefing Note package on protocols, with consultations offered to the Enforcement Committee, Professional Standards Committee, and Government Liaison Committee on prioritization issues.

**Moved by: C. Bellini      Seconded by: G. Houghton      CARRIED**

**Action:** Staff to complete the Motion Review section of the Briefing Note on the Regulatory Conflict Protocol, and submit it to Council for consideration at its March 2017 meeting. Staff to request to make a presentation to Council at the plenary session to provide an overview of the materials that will form part of the decision Briefing Note package on protocols.

(b) "Licensed Engineering Practitioner" Definition

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

J. Max noted that, as requested at the last meeting, staff had undertaken to do further analysis of the Act and Regulations for the use of "professional engineer" to determine if the implications of changing that term in the Act would be beneficial or problematic. He further explained that the document illustrated where adding "limited licence holder" in the Act and Regulations would require any policy changes to be approved first by Council. He indicated that there were three possible options for terminology: "licensed engineering practitioner", adding "limited licence holder" to "professional engineer", or using the three separate licences.

The Committee discussed the merits of each option and agreed that, in the short term, “limited licence holder” be added to Sections 12(6) and (7) as previously approved by Council and forwarded to the Attorney General while, in the longer term, “licensed engineering practitioner” or an alternative term be explored in consultation with the Professional Standards Committee.

**Action:** Staff to notify the Attorney General to proceed with adding “limited licence holder” to Sections 12(6) and (7) to accompany the term “professional engineer”.

(c) Prioritization Criteria (Draft)

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

J. Max reminded the members that 10 criteria had been proposed by staff and discussed at the last meeting, along with some statistics relevant to the quantitatively measured criteria. There was some discussion regarding whether these criteria should be reduced or appended to the Regulatory Conflict Protocol but, in the end, the members agreed that this was an operational matter for the Registrar.

**Action:** That the draft Regulatory Conflict Prioritization Criteria be discussed with the Registrar as part of the Protocol’s pending implementation (assuming Council approval of the Protocol).

(d) Regulatory Compliance Dept. Position on O. Reg. 63/16 - Water Taking

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

J. Max noted that the Chair had received a memo from C. Knox, Manager, Enforcement on the regulatory implications for PEO of O. Reg. 63/16, and that a summary of the Practice Determination Process was forthcoming. The memo indicated that one of the mentioned activities was a regulatory infringement, one was a non-alignment, and one was no apparent conflict. The members decided that the Regulatory Conflict Log should be updated to reflect these, but that more evidence on regulatory infringement would be required when it would be considered as part of the future prioritization.

**Action:** Staff to update the Regulatory Conflict Log to reflect the memo's content.

2.2 Legislation Committee Terms of Reference

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

J. Max noted that he had updated the Terms of Reference to add the standard member term limit of five consecutive years as recommended by the Advisory Committee on Volunteers following Council's direction that every committee insert member term limits in its respective Terms of Reference. There was a brief discussion, upon which it was concluded that a five consecutive year term was sufficient, and that the Terms of Reference should be amended accordingly and submitted to the Director, People Development.

A motion was made to approve the revised Legislation Committee Terms of Reference to include member term limits of five consecutive years.

**Moved by: B. Dony                      Seconded by: C. Bellini                      CARRIED**

**Action:** Staff to forward the revised Legislation Committee Terms of Reference to the Director, People Development.

2.3 Legislation Committee Annual Report - 2016

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

J. Max noted that he had drafted the annual report for consideration. The members agreed with the content, and directed that the names of members and staff support be added.

**Action:** Staff to add the names of members and staff support to the 2016 Legislation Committee Annual Report and to forward it for inclusion in PEO's Annual Operations Report.

**3. FOR DISCUSSION**

3.1 Draft By-Law

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

J. Max noted that the most recent version (6) was just received prior to today's meeting. This was based on staff discussions with R. Steinecke, and internal staff

discussions with operational staff to clarify procedures and meanings of certain terms.

In reviewing each subsection of the proposed Section 39 of By-Law No. 1, the Committee agreed to delete the clause “including any person who was a president of the association” in Section (5), to approve the draft By-Law in principle, and to have staff do a final check before directing those changes to R. Steinecke to prepare a final draft for staff to send to the Attorney General to allow it to start drafting the complementary Regulation changes. It was further agreed that both documents would be presented to Council when they were ready, as they should be preceded by amendments to Section 8(3) of the Act.

A motion was made to approve version 6 of the draft amendments to By-Law No. 1 in principle, to have staff conduct a final check, and forward the final version to the Attorney General to commence drafting of the complementary amendments to Regulation 941.

**Moved by: C. Bellini**

**Seconded by: B. Dony**

**CARRIED**

**Action:** Staff to conduct a final check of version 6 of the amendments to By-Law No. 1, and forward the final version to the Attorney General to commence drafting of the complementary amendments to Regulation 941.

#### **4. NEXT MEETING AND ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 1:39 p.m.

The next meeting is scheduled for Friday, March 3, 2017 at 10:30 a.m.

J. Max further noted that the agenda would likely include Regulation amendment proposals from the Licensing Policy Committee, the Strategic Plan exercise, Regulatory Conflict determination process, and further updates on the Belanger-related Act changes.