



Minutes

LEGISLATION COMMITTEE MEETING

Friday, January 6, 2017 - 11:00 a.m.

PEO Offices - Room 1C

Members:

Ewald Kuczera, P. Eng. (Chair)

Christian Bellini, P. Eng.

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

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

Roydon Fraser, P. Eng.

Gary Houghton, P. Eng. *[via teleconference]*

Staff:

Bernie Ennis, P. Eng., Director, Policy and Professional Affairs

Jordan Max, Manager, Policy

Gerard McDonald, P. Eng., Registrar

Andrew Tapp, Policy Analyst

Guest:

Rob Willson, P. Eng., Chair, Council Term Limits Task Force *[from 11:00 a.m. to 11:55 a.m.]*

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 11:03 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 were provided; however, Item 3.2 was moved up before Item. 1.3 in order to accommodate the guest.

A motion was made to approve the agenda as written.

Moved by: C. Bellini

Seconded by: B. Dony

CARRIED

3. FOR DISCUSSION

3.2 Council Term Limits Task Force Report

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

R. Willson, Chair of the Council Term Limits Task Force, thanked the Committee for its time to consider the Task Force's draft report. He gave an oral presentation on the Task Force's work and recommendations for Term Limits and Succession Planning, and answered the Committee's questions. The Chair of the Task Force also requested that the Committee provide its comments to them by February 3, 2017.

The Committee members queried the Task Force's recommendation to wait for an Act change to authorize Council term limits in the By-Law instead of using the current Regulation, and suggested that the Regulation process could be completed within a few months, once initiated and authorized by Council. R. Willson thanked the Committee for its time and would take its comments back to the Task Force.

Action: Chair to communicate the Legislation Committee's feedback to the Council Term Limits Task Force by February 3, 2017; staff to draft a memo on behalf of the Chair.

1. PROCEDURAL - CONT'D.

1.3 Approval of Minutes of December 2, 2016 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 December 2, 2016 meeting as written.

Moved by: C. Bellini

Seconded by: B. Dony

CARRIED

1.4 Action Items Update from December 2, 2016 Meeting

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

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

Draft a Regulatory Conflict Protocol based on the “Action by Category of Regulatory Impact of Engineering Activity in External Legislation” document (as revised by the Committee), for review at the next meeting, and recommendation to Council at its February 2017 meeting. [Completed]

J. Max reported that the Protocol had been drafted and was included in today’s agenda package under Item 2.1(a).

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

Ask the Attorney General for advice on criteria for prioritizing the action for statutes and regulations contained in the Regulatory Conflict Log based on risk assessment, and to draft the criteria for discussion at the next meeting. [Pending]

J. Max reported that prioritization criteria had been drafted and was included in today’s agenda package under Item 2.1(c).

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 reported that staff had drafted the Regulatory Conflict Protocol as an appendix to a draft Council Briefing Note. The Protocol contains

future action(s) to be taken by the Registrar on a piece of external statute or regulation according to the category of regulatory conflict as confirmed at the previous Legislation Committee meeting. He then briefed the Committee on the actions listed in the Protocol.

While the Committee members did not suggest any changes to the Protocol as drafted, they wanted to have more comfort with the prioritization criteria and definition before bringing these to Council.

(b) “Licensed Engineering Practitioner” Definition

J. Max noted that, at the last meeting, some members expressed a desire that the Committee should consider drafting a model definition (akin to the “licenced engineering practitioner” which includes licence holders, limited licence holders and temporary licence holders) within the *Professional Engineers Act* itself to use as the link for external legislation.

As a preliminary step, staff had reviewed all uses of the term “professional engineer” in the Act and Regulations to consider if PEO were to ask the Attorney General to make those changes as part of the Belanger Act change package to add limited licence holders to Sections 12(6) and (7) of the Act.

He presented the document which illustrated the use of “professional engineer” within the Act and Regulations, and noted that there were several current inconsistencies and gaps within the Act (such as Sections 28(3) and 40) and Sections 43 and 72(2) in Regulation 941, and numerous instances in Regulation 260/08 where adding “limited licence holder” might not be appropriate. If we were to ask the Attorney General to make changes to the Act beyond Sections 12(6) and (7), it might require more analysis and time beyond the Belanger package deadlines. As well, more analysis is needed to determine whether “licensed engineering practitioner” is preferable to simply adding “limited licence holder”. That term would have to have meaning within the *Professional Engineers Act* itself, and it was not clear that that was necessary.

[Editorial: It was subsequently determined that Section 43 of Regulation 941 did not present any problem since it referred to other engineering associations for professional engineers.]

Some Committee members felt that adding a new definition might help make the case for Ministries to update their language and references, as well, in external legislation.

Finally, the Committee needs to understand where a changed definition will or will not address regulatory infringement or alignment conflicts. It was, therefore, recommended that staff prepare options for definition changes for decision at the next meeting to be able to meet the Belanger deadlines for policy changes.

Action: Staff to 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.

(c) Prioritization Criteria (Draft)

J. Max presented a list of 10 possible criteria to prioritize the Registrar’s operational follow-up on the external statutes and regulations in the Regulatory Conflict Log. There was considerable discussion regarding the merits of different criteria, and possibly some type of matrix of multiple criteria. The Committee did not rank or remove any of the criteria, as presented.

It was concluded that more discussion is required to see what the potential impacts might be, especially if the definition of “professional engineer” is replaced.

Action: Staff to check the impact of definition changes on the Regulatory Conflict Log listings and report back at the next meeting.

3. FOR DISCUSSION - CONT’D.

3.1 Draft By-Law

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

J. Max reviewed the drafting process to date. Staff had contracted with Richard Steinecke of Steinecke Maciura LeBlanc to draft the By-Law based on a mapping of fees in Regulation. In undertaking the work, Mr. Steinecke identified a number of possible improvements in drafting conventions. Staff had also undertaken to identify other Council-approved policies that had not been added to the Regulation, as well as other operational and administrative policies that might require authorization in the By-Law. J. Max subsequently presented five

categories of by-law drafting issues in the document, as staff was seeking the Committee's direction on the scope of these changes.

There was considerable discussion regarding the possible merits of including some of the approved policies (e.g. Financial Credit Program and EIT eligibility for fee remission), as well as non-refundability of all fees (currently only examination fees qualify for this in the Regulation).

The Committee concluded that only a direct mapping of the current Regulation references was required for now (the exception being the addition of "all applicable taxes"), and all other changes identified by Mr. Steinecke should wait for the next round of By-Law changes sometime in the future. It was also noted by the Chair that the Legislation Committee should only bring forward the By-law Change Protocol after the By-Law has been approved by Council.

Action: Staff to communicate the Legislation Committee's direction to Mr. Steinecke to only include current Regulation references to fees and "all applicable taxes", and to bring back a next draft to the next Legislation Committee meeting.

3.3 Strategic Plan SWOT Analysis Session Offer

G. McDonald reported that four sessions had been carried out with Committee Chairs, Committee Advisors, Chapter Chairs and Senior Management, and that he was offering to present the summary of those sessions and ask each Committee to identify which strategic objectives they saw necessary for their Committee or PEO. The members accepted his offer, and it was tentatively scheduled for the March 3, 2017 Legislation Committee meeting (starting 30 minutes earlier to accommodate).

Action: 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.

4. **NEXT MEETING AND ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 2:05 p.m.

The next meeting is scheduled for Friday, February 10, 2017 at 11:00 a.m.