



Minutes

LEGISLATION COMMITTEE MEETING

Friday, June 8, 2018 - 10:00 a.m.

Members:

Gary Houghton, P. Eng. (Chair)

Thomas Chong, P. Eng. [*via teleconference*]

Lola Hidalgo, P. Eng. [*via teleconference - from 10:32 a.m. to 11:02 a.m.*]

Lisa MacCumber, P. Eng.

Gregory Wowchuk, P. Eng.

Staff:

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

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Regrets:

David Brown, P. Eng. (President, Ex-Officio Member)

Nancy Hill, P. Eng. (President-Elect, Ex-Officio Member)

1. PROCEDURAL

1.1 Introduction

The Chair called the meeting to order at 10:00 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: T. Chong Seconded by: L. MacCumber CARRIED

1.3 Approval of Minutes of May 4, 2018 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 as written.

Moved by: T. Chong Seconded by: G. Wowchuk CARRIED

1.4 Action Items Update from May 4, 2018 Meeting

J. Max briefly reviewed the action items presented, as follows:

Acting Chair's Remarks and Orientation for Members

Follow up with the Attorney General's office annotating PEO's Regulations in e-laws. [Completed]

Staff reported this item to the Legislation Committee as completed. The Legislation Committee is awaiting a response from the Ministry of the Attorney General.

Monthly Meeting Schedule of Committee Year 2018-2019

Draft a new meeting schedule based on Committee members' self-reported availability, for presentation at the June 8, 2018 meeting. [Completed]

Staff reported this item to the Legislation Committee as completed.

By-Law No. 1 Amendment (Life Member Definition)

Send the draft By-Law No. 1 changes to Council for final approval. [Completed]

Staff reported that the draft had been completed, with the wording confirmed by Richard Steinecke, and that it was ready to be sent to Council after today's meeting discussion (see Agenda Item 2.2 - By Law No. 1 Amendment - Life Member Definition).

2017-2018 Strategic Plan - Legislation Committee Input

Gather material on the definition of practice and conflicts involving the definition of practice from other regulators such as the CPSO and Law Society of Ontario, as well as material on how other Canadian engineering regulators define engineering, to support a discussion of this issue at the next meeting.
[Completed]

Staff reported this item to the Legislation Committee as completed, for discussion at today's meeting.

2. FOR DECISION

2.1 Monthly Meeting Schedule for Committee Year 2018-2019

J. Max reviewed the updated monthly meeting schedule, which was accepted by the Legislation Committee.

2.2 By-Law No. 1 Amendment - Life Member Definition

J. Max reviewed the draft version of By-Law No. 1, which changed the definition of "Life Member" to match the meaning of the definition that existed prior to the fees-to-by-law changes. The By-Law change wording was confirmed by Richard Steinecke. He noted that, as these changes did not affect fees, he believed that there was no need to ask Council to seek membership confirmation following their passage by Council.

The Legislation Committee voted to approve the draft Briefing Note, as presented, and to send it to Council for approval.

Moved by: L. MacCumber Seconded by: T. Chong CARRIED

Action: Staff to send the draft By-Law No. 1 changes Briefing Note, as presented, to Council for final approval.

The Chair moved the meeting to Agenda Item 2.4 - 2018-2020 Strategic Plan - Legislation Committee Input.

2.4 2017-2018 Strategic Plan - Legislation Committee Input

J. Max led the Committee in a discussion of goals that the Committee could set to support PEO's Strategic Plan, with a focus on supporting "*Strategic Objective 5 - Increase influence in matters regarding the regulation of the profession*". The

Legislation Committee proposed developing a “public safety risk matrix” to guide priorities for reducing regulatory conflicts through seeking legal opinions, meeting with ministries, and working with industry stakeholder organizations (refer to the attachment “LEC Strategy Proposals”). B. Ennis stated that staff would need more resources to implement the matrix, and G. Wowchuk stated that this plan would require a cost-benefit analysis.

Action: Staff to distribute the draft Strategy Proposals to the Legislation Committee members for comments, and submit the refined version to PEO’s Senior Management team by June 30, 2018.

During this discussion, the Chair expressed concern that modernization changes made to the Ministry of the Environment and Climate Change’s Transfer of Review Program were requiring engineers to take on liability for matters not related to the practice of engineering. B. Ennis stated that staff would review the matter and evaluate it for inclusion on the Legislation Committee’s agenda.

Action: Staff to review liability concerns stemming from modernization changes made to the Ministry of the Environment and Climate Change’s Transfer of Review Program, and evaluate this issue for inclusion on the Legislation Committee’s agenda.

3. FOR INFORMATION

3.1 Practice Definitions - Research Summary

A. Tapp reviewed the research he had conducted on how other regulators define their scopes of practice. This led to a discussion on the difficulties of identifying specific practices and disciplines as “engineering”, and the role of demand-side legislation. The Committee decided to invite Linda Latham, Deputy Registrar, Regulatory Compliance to the next Legislation Committee meeting to speak about any challenges that PEO has faced with prosecutions owing to any limitations in its definition of the practice of professional engineering, and what could be done to overcome those limitations.

Action: Staff to invite Linda Latham, Deputy Registrar, Regulatory Compliance to the next Legislation Committee meeting to speak on the challenges that PEO has faced with prosecutions owing to any limitations in the definition of the practice of professional engineering.

The Chair moved the meeting to Agenda Item 2.3 - Legislation Committee Representative on Licensing Committee.

2. FOR DECISION

2.3 Legislation Committee Representative on Licensing Committee

The Chair asked the Committee if there were any volunteers to serve as the Legislation Committee's representative on the Licensing Committee. As there were no volunteers, it was suggested that L. Hidalgo could fill this role as she was already a member of both committees. However, the Legislation Committee representative is a designated member of the Licensing Committee, and having L. Hidalgo fill this role as well as her current role would reduce the number of members of the Licensing Committee (mandated in its Terms of Reference) from 9 to 8. The Legislation Committee directed staff to draft and send a Chair-to-Chair memo to the Licensing Committee asking if L. Hidalgo could fulfill this role, and including the suggestion that she could be moved to the Legislation Committee representative role, and a replacement sought for her current role.

Action: Staff to draft and send a Chair-to-Chair memo to the Licensing Committee asking if L. Hidalgo could fulfill the Legislation Committee representative role, and including the suggestion that she could be moved to the Legislation Committee representative role, and a replacement sought for her current role.

The Chair moved the meeting to Agenda Item 3.2 - Legislation Committee Draft Work Plan 2018-2019.

3. FOR INFORMATION

3.2 Legislation Committee Draft Work Plan 2018-2019

J. Max presented an overview of the draft Work Plan that he had updated. The Committee decided to add the item "Review By-Law Change Proposals from RCC", with the expected outcome to "provide legislative analysis to RCC and arrange for legal drafting and presentation to Council". L. MacCumber indicated that April 2019 was a reasonable due date for this item.

The Legislation Committee voted to approve the 2018-2019 Work Plan.

Moved by: L. MacCumber Seconded by: G. Wowchuk CARRIED

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:50 p.m.

The next meeting is scheduled for Friday, July 27, 2018, from 10:00 a.m. to 1:00 p.m.