



Minutes

LEGISLATION COMMITTEE MEETING

Friday, June 9, 2017 - 10:00 a.m.

PEO Offices - Room 1C

Members:

Christian Bellini, P. Eng. (Chair)
David Brown, P. Eng. (President-Elect, Ex-Officio Member)
George Comrie, P. Eng.
Bob Dony, P. Eng. (President, Ex-Officio Member)
Lola Hidalgo, P. Eng. *[via teleconference]*
Gary Houghton, P. Eng.
Qadira Jackson (Vice-Chair)

Staff:

Bernie Ennis, P. Eng., Director, Policy & Professional Affairs
Jordan Max, Manager, Policy
Gerard McDonald, P. Eng., Registrar
Andrew Tapp, Policy Analyst

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 10:10 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: D. Brown

Seconded by: G. Comrie

CARRIED

1.3 Approval of Minutes of May 15, 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 May 15, 2017 meeting as written.

Moved by: Q. Jackson

Seconded by: B. Dony

CARRIED

1.4 Action Items from May 15, 2017 Meeting

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

Monthly Meeting Schedule for Committee Year 2017-2018

Prepare a meeting schedule for the remainder of the 2017-2018 Committee year, and distribute it prior to the June 9, 2017 meeting. [Completed]

The Committee reviewed the schedule prepared by staff for the 2017-2018 Committee year, with no major changes or comments made.

GLP Audit Implementation Plan

Draft a memo providing the Legislation Committee's comments on the GLP Audit Implementation Plan Recommendation #3, to be sent to the Legislation Committee members for review, and signoff by the Chair prior to June 6, 2017. [Completed]

The Chair mentioned that he had made minor changes to the Legislation Committee's recommendation plan before sending it to the Government Liaison Committee, who had sent an e-mail acknowledging receipt. The Government Liaison Committee are looking forward to working with the Legislation Committee.

Removal of Councillor for Breach of Council Policy (HRC Follow-Up)

Staff to check on the status of all Council motions dealing with removal of a Councillor, and report back at the next Legislation Committee meeting.
[Completed]

This will be discussed at Item 2.1 of this meeting's agenda.

2. FOR DISCUSSION

2.1 Removal of Councillor for Breach of Council Policy (HRC Follow-Up)

The members were referred to the e-mail communication trail included in the agenda package.

J. Max presented the background of this issue to the Committee. Two sets of Council-approved motions to amend Regulation 941 were sent to the HRC in 2010 and 2011 regarding the criteria for removing Councillors from Council, requesting further details on policy intents. The initial 2010 set of criteria were never put in Regulation as staff analysis of the pieces determined that various sections were either redundant or beyond PEO's scope (i.e. determining if Council members were "incapacitated"). The second 2011 set required further definition of "Council policy" to be so referenced. The HRC had responded in March 2017 that the "material breach of Council policy" was no longer needed. G. Comrie also noted that the first item was still on the HRC's agenda, that all earlier attempts to define criteria would likely need to be rescinded, and that the HRC had volunteered to take responsibility for rescinding items. However, he felt that it would be better to have the HRC come up with replacement criteria for removing a Councillor before asking Council to rescind the previous motions.

The Committee agreed to submit their comments on the 2010 and 2011 proposals to the HRC.

Action: Staff to forward the Legislation Committee's comments on these proposals to the HRC.

2.2 Proposal for By-Law Change (I. de Buda, Ottawa Chapter)

The members were referred to the Council Briefing Note included in the agenda package.

J. Max reported that Ingrid de Buda, an executive member of the Ottawa Chapter of PEO, had recently submitted to the President a Briefing Note detailing

outdated language in the By-Laws. The By-Laws use the term “engineers in training” instead of EIT, and reference an out-of-date regulation number. The Legislation Committee staff advisor had acknowledged receipt of the Briefing Note, and indicated that the issue had been identified on the list of future By-Law changes. J. Max reminded the members that the current By-Law change package was developed with very strict specifications only to move fees from the Regulation, and must be fully implemented before new changes can be made.

In response to a question from G. Comrie, J. Max assured the Committee that necessary By-Law changes were being recorded for future implementation.

2.3 2017 Committee Chairs Workshop

The members were referred to the e-mail from PEO’s Volunteer Management group included in the agenda package.

On May 30, 2017, the Committee Chairs Workshop planning group (part of the Advisory Committee on Volunteers) asked PEO Committees to list their top three challenges. This information would be used in their upcoming workshop, the theme of which is “*Volunteer Committees Challenges and Resolutions*”, and the challenges must be submitted by June 30, 2017. It was agreed to table the discussion until later in the meeting, after the Legislation Committee had discussed Item 2.7 - Legislation Committee Work Plan 2017-2018.

2.4 Regulatory Conflict Protocol - Priorities

J. Max gave a PowerPoint presentation reviewing the progress that had been made in regards to regulatory conflicts between the *Professional Engineers Act* and other legislation; the Regulatory Conflict Protocol had been approved by Council in March 2017. Staff had held a meeting with various Ministry representatives to discuss regulatory conflict, and PEO had continued to monitor potential conflicts and opportunities to resolve those that already exist. Three such opportunities have been presented, and are being investigated by staff: an amendment to a regulation concerning electrical distribution; a modernization of the *Mining Act*; and a new regulation on municipal asset planning. PEO has submitted comments for the first two, and is investigating the third.

PEO staff sought direction from the Committee regarding prioritization and approach. It was agreed that staff should prioritize the regulatory conflicts, continue to act when there were opportunities to do so, and report regularly to the Committee.

There was also discussion regarding how frequently and when the Legislation Committee should update Council on the contents of the Regulatory Conflict Log.

It was agreed that it would be best to provide an annual update to Council at its September 2017 meeting.

Action: Registrar to continue working to resolve regulatory conflicts, and report on these efforts to the Committee periodically.

Staff to provide an update on the Regulatory Conflict Log to Council at its September 2017 meeting.

2.5 Discipline Appeals Task Force - Recommendations

The members were referred to the Council Briefing Note included in the agenda package.

G. McDonald provided the Legislation Committee with the background on this issue. He was seeking the Committee's feedback on the Council proposal. During a recent appeal of a Discipline Committee decision by PEO, it became clear that there was an outstanding recommendation to develop an appeals policy (part of the Complaints and Discipline Task Force Committee Final Report, accepted by Council on September 23, 2011). PEO does have the right to appeal under Section 31 of the *Professional Engineers Act*, within 30 days, but specific criteria on when to do so have yet to be enshrined in policy. He also clarified that neither Act nor Regulation changes were being sought to enshrine the criteria as they would, instead, be reflected in a policy instrument to be determined. A scan of other comparable regulatory legislation determined that appeal criteria are not mentioned.

G. Comrie noted that one of the arguments against the appeals policy, that Council should appeal on behalf of PEO instead of the Registrar, was not addressed in the note. Possible responses to this argument were discussed, but the Briefing Note was not changed. G. Comrie agreed to speak to this issue at Council if it proved necessary.

2.6 Legislation Committee 2016-2017 Evaluation

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

The Committee reviewed the self-evaluation of the 2016-2017 Legislation Committee item by item. The Committee noted the suggestions that the Committee may not need to meet every month, and that they may want to invite the Chairs of other committees to Legislation Committee meetings as guests.

2.7 Legislation Committee Workplan 2017-2018

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

J. Max led the Committee through the Workplan for 2017-2018, which he had taken the liberty of drafting, and highlighted items that were currently with other committees or the Ministry of the Attorney General.

G. Comrie noted that, in the past, the Legislation Committee had tried to implement a running accumulation of Regulation changes, which gave disappointing results, and stated that issues should be dealt with as small, discrete packages. D. Brown suggested that a discussion of this issue be added to the Workplan. G. Comrie also expressed concern regarding the number of items on the Workplan dated "April 2018". L. Hidalgo stated that Item 7 was more ongoing, and the Chair suggested that it should be made a report-back date, instead of a due date. D. Brown suggested that the Committee should present its Workplan to Council in September 2017, so that Council would be aware of what to expect from the Legislation Committee in 2017-2018.

Action: Staff will make the following changes to the draft Workplan for approval by the Legislation Committee in July 2017: separate Regulations in Item 1 into separate items; change the due dates in Items 6-8 as "ongoing"; and change the due date in Item 9 to September 2017.

2. FOR DISCUSSION (cont'd.)

2.3 2017 Committee Chairs Workshop (cont'd.)

The Committee decided that the three challenges they would send to the Committee Chairs Workshop planning group would be as follows:

- (1) How to improve understanding of the Legislation Committee's role by other committees (including that the Legislation Committee is not a policy committee).
- (2) How to work with the limitations of the *Professional Engineers Act* as it stands.
- (3) How to reduce the delays and red tape of the legislation and regulation-making processes.

Action: Staff to send the three above-mentioned challenges to PEO's Volunteer Management group for the Committee Chairs Workshop.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:47 p.m.

The next meeting is scheduled for Friday, July 14, 2017 from 10:00 a.m. to 1:00 p.m.