



Minutes

LEGISLATION COMMITTEE MEETING

Friday, March 3, 2017 - 10:30 a.m.

PEO Offices - Room 1C

Members:

Ewald Kuczera, P. Eng. (Chair)

Christian Bellini, P. Eng.

George Comrie, P. Eng. (President, Ex-Officio Member) *[from 10:40 a.m.]*

Bob Dony, P. Eng. (Vice-Chair/President-Elect, Ex-Officio Member) *[from 10:51 a.m.]*

Roydon Fraser, P. Eng. *[via teleconference]*

Gary Houghton, P. Eng.

Staff:

Jordan Max, Manager, Policy

Gerard McDonald, P. Eng., Registrar *[10:30 a.m. to 11:50 a.m.]*

Michael Price, P. Eng., Deputy Registrar, Licensing and Registration *[1:00 p.m. to 1:30 p.m.]*

Andrew Tapp, Policy Analyst

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

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 10:30 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.

The Chair noted that G. McDonald would be conducting a Strategic Plan session in the earlier part of the meeting.

A motion was made to approve the agenda as written.

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

1.3 Approval of Minutes of February 10, 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 February 10, 2017 meeting as written.

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

1.4 Action Items Update from February 10, 2017 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”

(a) Regulatory Conflict Protocol (Draft)

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. [Completed]

J. Max reported that the completed Briefing Note was in the agenda package for today’s meeting, which must be submitted to the Secretariat by March 7, 2017.

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. [Completed]

J. Max reported that staff had requested the Secretariat to use the plenary session for a short presentation on the Protocol, but was informed that there were two committees already scheduled for the plenary session. He previewed the draft slides for the Committee. G. Comrie replied that the Executive Leadership Team would be reviewing the Council agenda on the

following Monday and would decide on including a presentation on the Regulatory Conflict Protocol.

(b) "Licensed Engineering Practitioner" Definition

Notify the Attorney General to proceed with adding "limited licence holder" to Sections 12(6) and (7) to accompany the term "professional engineer". [Completed]

J. Max reported that those instructions were forwarded to the Attorney General.

(c) Prioritization Criteria (Draft)

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). [Pending]

J. Max reported that this will be a forthcoming staff discussion with the Registrar and the Enforcement unit.

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

Update the Regulatory Conflict Log to reflect the memo's content. [Completed]

J. Max reported that this was updated accordingly.

Legislation Committee Terms of Reference

Forward the revised Legislation Committee Terms of Reference to the Director, People Development. [Completed]

J. Max reported that this was submitted.

Legislation Committee Annual Report - 2016

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. [Completed]

J. Max reported that the revised Annual Report was submitted.

Draft By-Law

Conduct a final check of version 6 of the amendments to By-Law No. 1, and forward to the final version to the Attorney General to commence drafting of the complementary amendments to Regulation 941. [Completed]

J. Max reported that there was further staff discussion with Richard Steinecke on version 6, resulting in version 8, which is for discussion at Item 2.1. of today's meeting.

2. FOR DISCUSSION

2.1 Strategic Plan SWOT Analysis Presentation

G. McDonald gave a presentation on the Strategic Plan's development to date, and conducted a Strategic Objectives session with the Committee members (refer to attached Appendix).

2.3 Licensing Committee Recommendations

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

G. Comrie presented a draft Briefing Note going to Council that recommended addressing the LPTF Council motions on Academic Requirements and Examination, which the Legislation Committee had forwarded to the Licensing Committee for policy intents clarification.

G. Comrie noted that there were two parts to the Briefing Note: Part 1 included Council motions that needed to be rescinded; and Part 2 included Council motions that needed to be amended or replaced, and which required changes to Regulation 941. Part 1 addresses LPTF motions 8-10, 12, 16, 27, 33, 35, and 46. The Committee had no concerns with these being rescinded.

With respect to Part 2, G. Comrie noted the reasons for the amendments to the Regulation as follows, noting further that there would be no regulatory impact to applicants since they already reflected existing practices:

Section 33(1)1.i. of Regulation 941 needs to be amended to reflect that at least colleges, as well as universities, could have their engineering programs accredited by CEAB.

Sections 36(6), 37(b), and 85(3) of Regulation 941 need to be amended to replace "thesis" with its more current term "engineering report".

Section 37 of Regulation 941 needs to be amended to allow an applicant to write the Professional Practice Examination any time after the academic requirements had been met.

Sections 34, 35 and 36(1) of Regulation 941 need to be removed as examination dates are an operating procedure.

In response to questions from staff, G. Comrie replied that he believed the Licensing Committee's work was completed for the items referred to them by the Legislation Committee, that the Interpretive Statement and Explanatory Note did not need to be referenced or approved by Council, and that the next step following Council approval of the Licensing Committee proposals was to work with the Legislation Committee to provide policy intents to the Attorney General to start drafting the Regulation changes. Staff offered to check the list of Licensing Committee proposals against the list of Council motions that were referred to it by the Legislation Committee in 2015.

Action: Staff to check the list of Licensing Committee proposals against the list of Council motions that were referred to it by the Legislation Committee in 2015, and report back at the next Legislation Committee meeting.

In response to a specific question from R. Fraser regarding whether limited licence holders could be assigned exams by the Academic Requirements Committee, M. Price, Deputy Registrar, Licensing and Registration was invited to join the meeting, and did so at 1:00 p.m. M. Price replied that Section 40(4) of Regulation 941 did permit the Academic Requirements Committee to assign confirmatory examinations to limited licence holders in order to determine if their knowledge base corresponded to their intended scope of engineering practice.

2.2 Draft By-Law Amendment Respecting Fees

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

J. Max presented version 8 of the By-Law changes, which were consistent with the Legislation Committee's direction to map fees in the Regulation to the By-Law without any policy changes. He noted the following changes from version 6:

Clause (1): the term "date specified by Council" was consistent with the by-law making powers in the Act. G. Comrie questioned why it was not worded "specified by this by-law". It was noted that there may be future changes to the By-Law to address these concerns, as

well as policy changes, but that this version should only reflect a mapping of Regulation to By-Law.

Clause (8) deals with the LET class of limited licence and the waiver of a fee for reinstatement of the LET class status when a limited licence holder loses their CET designation or “member in good standing” status with OACETT and subsequently requalifies with OACETT. In response to G. Comrie’s question on why it was necessary to list this detail, J. Max noted that this provision only applied to persons who had qualified under the limited licence as of July 1, 2015, and that Richard Steinecke felt it was necessary to match Section 46.0.1 (6) of Regulation 941.

Clause (9) had been changed to add “for a licence” to clarify that a provisional licence is issued to a person who applies for a P. Eng. licence. It does not apply to limited licence applicants.

Clauses (12) and (13) had been changed to simplify the language by removing redundant references to the Fee Reduction clause and to specify the \$55 fee amount.

Clause (14) was amended to remove the first “is”, which was duplicative.

Clause (18) was amended to add the word “of” before “\$55”.

Clause (22) had been amended to differentiate between the examination fees for licensing (which are refundable) and the consulting engineer designation (which is not).

Following this discussion, the Committee agreed to approve the By-Law changes and forward them to the Attorney General to assist them in drafting the complementary changes to Regulation 941, although Council should not approve this By-Law until the Regulation changes are ready and the Attorney General has made changes to Section 8(3) of the *Professional Engineers Act* to change the By-Law confirmation threshold back to “majority of the members voting”.

A motion was made to approve version 8 of Draft Changes to By-Law No. 1, with the deletion of the first “is” in clause (14) and the insertion of “of” before “\$55” in clause (18), and to forward this to the Attorney General to assist drafting of complementary changes to Regulation 941.

Moved by: B. Dony

Seconded by: G. Houghton

CARRIED

3. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 1:30 p.m.

The next meeting is scheduled for Friday, April 7, 2017 at 11:00 a.m.

Attachment: Appendix LEC Strategic Objectives Session Summary