



Minutes

LEGISLATION COMMITTEE MEETING

Friday, March 4, 2016 - 11:00 a.m.
PEO Offices - Room 1C

Members:

Roydon Fraser, P. Eng. (Chair)
Bill Kossta
Ewald Kuczera, P. Eng.
Sharon Reid, C. Tech.
George Comrie, P. Eng. (President-Elect; Ex-Officio Member)

Regrets:

Bob Dony, P. Eng. (Vice-Chair)
Thomas Chong, P. Eng. (President; Ex-Officio Member)

Staff:

Bernie Ennis, P. Eng., Director, Policy and Professional Affairs
Jordan Max, Manager, Policy
Gerard McDonald, P. Eng., Registrar
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 11:07 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: E. Kuczera Seconded by: G. Comrie CARRIED

1.3 Approval of Minutes of February 12, 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 February 12, 2015 meeting as written.

Moved by: B. Kossta Seconded by: E. Kuczera CARRIED

1.4 Action Items Update from February 12, 2016 Meeting

The members were referred to the Actions Items Update document included in the agenda package. J. Max updated the Committee as noted in the "Status" column.

2. FOR DECISION

2.1 Outstanding Act Changes

(a) Discipline Panel Composition - Draft Council Briefing Note

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

J. Zuccon noted that this required general Committee discussion on how the Committee should approach outstanding Act changes already approved

by Council. In his opinion, the Legislation Committee should either be forwarding the policy intent to the Attorney General for legal drafting, or asking Council to rescind the motion if they find it no longer relevant.

With respect to the specific motion on Discipline Panel composition, there was discussion regarding the next step, which could be broken down into two possible motions to Council: (a) to confirm that Councillors should no longer be required to serve on panels; and (b) that Councillors should continue to sit on the Discipline Committee. It was also noted by staff that they are conducting research into the history of PEO panel compositions and a comparison to other regulatory bodies' legislation in Ontario and engineering regulators in Canada. There was further discussion on whether the Legislation Committee's decision on the Act change should wait for the research to be completed, but no decision was reached regarding this.

It was agreed that the Briefing Note should be revised for the next Legislation Committee meeting to clarify the Legislation Committee's recommendation of the spirit of intent from the 2010 Council motion by getting approval for the necessary Act amendment to have elected Councillors appointed to the Discipline Committee, but that panel composition would not be constrained to having an elected member on each panel, so long as a Councillor was selected.

Action: Staff to revise the draft Council Briefing Note to seek Council approval of the necessary Act amendment to exempt elected Councillors from the requirement to compose Discipline Committee panels, but to otherwise retain them as members of the Discipline Committee.

(b) Admissions Appeal Process - Memo to Chair of Licensing Committee

The members were referred to the draft memo included in the agenda package.

The Legislation Committee reviewed the existing Council directives associated with the then-proposed Admissions Appeals, which necessitate Act amendments, and noted that the Legislation Committee requires the Academic Requirements Committee and Experience Requirements Committee to revisit the issues and review their current practices to articulate what gap or problem definition exists which would require any Act amendments.

Action: Staff to revise the draft memo to direct it to the Chairs of the Academic Requirements Committee and Experience Requirements Committee, respectively, to ask for their definition of the problem, and send to the Chair for signoff.

3. FOR DISCUSSION

3.1 LEL/LET Seal Briefing Note - Limitations

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

The Chair indicated his concern regarding the 8-word limit for limitation description. Following discussion, it was agreed to update the Council Briefing Note to remove the phrase "8 words or less" from the second motion. The Briefing Note was revised during lunch, confirmed following lunch, and sent to the Secretariat for inclusion in the supplementary Council mailing later that afternoon.

3.2 Supervising and Delegating Standard

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

B. Ennis gave a presentation on the origins of the draft Standard, including the need for amendments to the Act to provide authority for supervision and delegation powers. There are several questions to be discussed, including whether this proposal is intended to deal only with the Certificate of Authorization [Section 17] or the industrial exception [Section 12(3)(b)] as well. It was suggested that more problem definition was required, including the role of enforcement.

As the remaining meeting time was limited, it was requested by the Chair, and agreed, that this item be the top priority for the next Legislation Committee meeting.

3.3 Tracking Legislation Committee Issues

The Chair introduced this item by stating that, in the interest of Committee continuity from year to year, a log of all items on the Legislation Committee agendas be created and maintained for future reference. B. Ennis advised that a possible model to look at was created by the Professional Standards Committee, and it was requested that this be provided to the Legislation Committee at its next meeting.

Action: Staff to request the Professional Standards Committee (“PSC”) advisors to provide a copy of the PSC issues log, to be presented at the next Legislation Committee meeting.

3.4 Whistleblowing (new item)

E. Kuczera indicated that the Enforcement Committee has a subcommittee working on a “whistleblowing” initiative, and indicated that a change would be needed to overall provincial legislation, not the *Professional Engineers Act* by itself, to support whistleblowing.

4. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 2:00 p.m.

The next meeting is scheduled for Friday, April 8, 2016 at 11:00 a.m.