



Minutes

LEGISLATION COMMITTEE MEETING

Friday, November 6, 2015 - 1:00 p.m.

PEO Offices - Room 1C

Members:

Roydon Fraser, P. Eng. (Chair)

Bob Dony, P. Eng. (Vice-Chair) *[via teleconference]*

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

Bill Kossta

Ewald Kuczera, P. Eng.

Sharon Reid, C. Tech.

Regrets:

Thomas Chong, P. Eng. (President; Ex-Officio Member)

Staff:

Josie D'Aluisio, Administrative Assistant *[at 12:45 p.m.]*

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 11:00 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: Bill Kossta Seconded by: Sharon Reid CARRIED

1.3 Approval of Minutes of October 2, 2015 Meeting

The members were asked if there were any additions or changes to the Minutes.

There was one correction to Item 2.1 on page 4, replacing “Council” in Item 9 with Leah Price (PEO’s Counsel).

A motion was made to approve the Minutes of the October 2, 2015 meeting as amended.

Moved by: Bill Kossta Seconded by: Sharon Reid CARRIED

1.4 Action Items Update from October 2, 2015 Meeting

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

The Act change documents were being amended, pending receipt of the requested comments from the Discipline Committee. Following that, the Legislation Committee will be in a position to make its final recommendations to Council, hopefully in time for the February 2016 Council meeting. J. Zuccon reported that the Discipline Committee met on November 4, 2015 and advised that they decided they would not be providing comments on the subject, and that a reply memo from the Chair would be issued. The Discipline Committee did indicate that individual members could submit comments, but not as a committee.

2. FOR DECISION

2.1 Engineer of Record Motion (PSC Review of Motion)

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

J. Max reviewed the history of the motions passed by Council and subsequently reviewed by the Legislation Committee. The issue seems to relate to the lack of record and coordination by contracted engineers on the same project, whether concurrent or consecutive. The members were reminded that the Committee had previously determined that it was not possible to revise Regulation 260/08 to meet the policy intent for the Engineer of Record. As the Professional Standards Committee has determined that the Engineer of Record proposal cannot fit within the Prime Consultant changes, the issue is now back in the Legislation Committee's hands. There was considerable discussion on next steps, and it was decided that staff should convene a group of stakeholders related to the proposal and report back with a recommendation.

Action: The Registrar to convene a group of 5 stakeholders involved with this issue (e.g. building officials, professional engineers, architects) to discuss the problem and report back to the Legislation Committee.

3. FOR DISCUSSION

3.1 Future Act Changes

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

a) Protocol - Criteria for Legislative Change

J. Max reviewed the Act Change Protocol that was finalized by the Committee and scheduled for the November 2015 Council meeting. The Committee made some subsequent changes to the questions and process, which would have to be submitted to the Secretariat to make the supplementary Council package mailing on Friday, November 13, 2015. The members were requested to confirm these changes by the following Wednesday, November 11, 2015.

It was also suggested that the proposed criteria be tested against the current Belanger Act Change proposals. G. Comrie also questioned whether this protocol could also be applied to Regulation changes.

Action: Staff to circulate the revisions to the Committee members for confirmation prior to the supplementary Council package mailing.

b) Legislation Committee's Role in Policy

J. Zuccon introduced this item by seeking clarification on the Committee's role in policy affecting legislation or regulations, since this would now be required in implementing the Act Change Protocol. The Committee's current Terms of Reference include "reviewing all policy proposals that involve authority from the Act, Regulations or By-Laws, and providing regulatory impact analysis and recommendations to Council". The question is whether the Legislation Committee should simply provide insight into how (or not) policy proposals should be translated into legislative or regulation change, or to give an opinion on the rationale, or whether those instruments are the most appropriate solution to the identified problem.

Members identified the Legislation Committee's role in policy as threefold: enabling policy, reviewing for policy impacts, including implementation analysis. They also identified the Legislation Committee's role in determining where policy solutions belong (Act/Regulation or By-Law). It was agreed that further analysis of this question is required, starting with a review of the current Terms of Reference. The Registrar suggested that a process diagram for the Act Change Protocol might be helpful, and this was agreed to.

Action: Staff to review the identified policy roles against the current Terms of Reference, and to draft a process diagram for the Act Change Protocol.

a) Protocol - Criteria for Legislative Change (cont'd.)

J. Max noted that Item 3.1 a) also contained a draft set of criteria to be referred to in the Legislation Committee's future deliberations in using the Act Change Protocol. The draft criteria were then reviewed, and generally agreed to, with the addition of process improvement as a criterion for legislative need. It was agreed that the revised criteria be used in future Legislation Committee deliberations as a pilot before considering whether to seek formal adoption of the criteria by Council.

4. FOR INFORMATION

4.1 Equity and Diversity Presentation

S. Reid gave a presentation to the Committee members on PEO's Equity and Diversity module. There were a few questions regarding the potential application of the policy to Fitness to Practice issues, or to individual professional practice, neither of which were being contemplated at this time. The Committee members thanked S. Reid for the presentation.

3. FOR DISCUSSION (CONT'D.)

3.1 Future Act Changes (cont'd.)

c) Admissions Appeals Process (2010)

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

J. Max explained that this item was added to the agenda by the Chair, who felt that the Council motions for these Act changes had not been enacted, and who wanted to know if they were captured in any future Act change log. He explained that these proposals arose from the April 2010 Council meeting on Bill 68 Act changes, but that there were concerns that the Admissions Appeals proposals were not quite ready, and Council assigned the Registrar at the time to bring together a group to finalize the proposals. The six revised motions were subsequently brought to the May 2010 Council meeting, and approved. The only policy rationales and evidence were contained in the two-page list of proposals. However, only the latter two motions were incorporated into Bill 68 and, therefore, the first four concerning the Registration Committee were in limbo.

There was considerable discussion regarding the relative merits of the four remaining motions, as well as the need to include them in some type of future Act change log, along with any other outstanding motions. There was consensus that a complete review of Council motions pertaining to Act changes be undertaken by staff to ensure that all approved motions were going to be either implemented or brought back to Council for rescinding. It was suggested that the Council Workshop from 2010 might contain more policy rationale for the Admission Appeals proposals.

Action: Staff to examine all past Council policy motions since 2010 pertaining to Act changes, and to add any unfulfilled ones to a Future Act Change Log, to be provided annually to the Committee for review. Staff to review the 2010 Council Workshop for any additional information pertaining to the proposals.

5. NEXT MEETING AND ADJOURNMENT

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

The next meeting is scheduled for Friday, December 4, 2015 at 11:00 a.m.