



Minutes

LEGISLATION COMMITTEE MEETING

Friday, September 27, 2019 - 11:00 a.m.

[Meeting held via teleconference]

Members:

Lisa MacCumber, P. Eng. (Chair)

Gary Houghton, P. Eng. *[joined at 11:45 a.m.]*

Arthur Sinclair, P. Eng. *[attended in person]*

Staff:

Daniel Abrahams, LL.B., General Counsel

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

Ralph Martin, Manager, Secretariat *[from 11:10 a.m. to 12:10 p.m.]*

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Regrets:

Sandra Ausma, P. Eng.

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

Leila Notash, P. Eng. (Vice-Chair)

Marisa Sterling, P. Eng. (President-Elect, Ex-Officio Member)

Guests:

Rob Willson, P. Eng., Vice-Chair, Succession Planning Task Force *[from 11:10 a.m. to 12:10 p.m.]*

[NOTE: *The items in the following Minutes are recorded in the order in which they were addressed at the meeting.]*

1.0 PROCEDURAL

As quorum had not been attained by 11:20 a.m., R. Willson was asked to commence his presentation on the Regulation changes being proposed by the Succession Planning Task Force.

3.0 FOR DISCUSSION

3.1 Succession Planning Task Force - Possible Regulation Changes

R. Willson delivered a presentation to the Legislation Committee on the Succession Planning Task Force's (SPTF) proposals as currently developed. The Task Force had hired a consultant to review succession planning best practices and the best practices of other engineering regulations and develop a series of recommendations for PEO Council, including the recommendation to create a permanent Succession Planning Committee, whose role would be to "review candidates and endorse qualified candidates that meet desired needs for Council". The SPTF is currently going to multiple committees to seek their input. R. Willson asked the Legislation Committee if there would be any obstacles in PEO's legislation in implementing the Committee or Task Force's other ideas. The Legislation Committee did not foresee any legislative obstacles as Section 7(1)2 of the *Professional Engineers Act* gives PEO Council the power to make regulations "respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections". Since the current Central Election and Search Committee is authorized in the Regulation, the Legislation Committee members also asked how the Task Force's proposal could be reconciled with Council's recent moratorium on new committees and regarding the role of the new committee and its place in the Regulation, alongside or in replacement of the Central Election and Search Committee. R. Willson stated that he could not answer these questions until feedback from all committees had been received; however, he did agree to write to President Hill regarding the possibility of merging the proposed Succession Planning Committee with the Central Election and Search Committee. The Legislation Committee members also recommended that the Task Force discuss their proposals with the new Council Governance Advisor.

Action: Staff to send a note from the Legislation Committee to the Succession Planning Task Force, indicating that they foresee no legislative barriers to creating a Succession Planning Committee or in implementing the Task Force's other proposals, with references to the regulation-making powers covering Council in Section 7(1)2 of the *Professional Engineers Act*.

1.0 PROCEDURAL (cont'd.)

1.1 Opening Remarks

The Chair called the meeting to order at 12:10 p.m. and welcomed everyone.

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: G. Houghton Seconded by: A. Sinclair CARRIED

1.3 Approval of Minutes of August 23, 2019 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: A. Sinclair Seconded by: G. Houghton CARRIED

1.4 Action Items Update from August 23, 2019 Meeting

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

By-Law No. 1 Changes - Additional 2019 Fee Increases Briefing Note (Lieu Fee)

Move Items 1, 4 and 5 to the top of the Briefing Note; set up Items 2 and 3 for Council discussion in November 2019, following input from the Finance Committee; and add a note recommending that Council finalize the fee changes to the By-Law, if necessary, in February 2020. [Completed]

J. Max reported this item as completed.

Legislation Committee Comments on Regional Councillors Committee (RCC) Proposals

Send the Legislation Committee's analysis of the RCC proposals to the Acting Manager of Chapters, with a note stating that the RCC should wait until the Action Plan pertaining to Chapters is decided upon by Council prior to acting on any of the By-Law change proposals. [Completed]

J. Max reported this item as completed.

2. FOR DECISION

2.1 Amendments to Notice of Proposal Provisions in Subsection 19(1) of the Professional Engineers Act

The Committee discussed a proposal from N. Hambleton, Associate Counsel, Regulatory Compliance. The proposal stated that, when Section 19(1) of the *Professional Engineers Act* was modified in 2017 to allow for the Registrar to issue a Notice of Proposal to refuse or revoke a licence based on past conduct, it was inadvertently modified so that it was no longer possible for the Registrar to issue a Notice of Proposal for “normal course” refusals. Further, the proposal claims that, because of this, applicants “may no longer be entitled by statute to a hearing before the Registration Committee”. The proposal seeks to modify Section 19(1) of the Act to address this gap by removing the specific references to Sections 14(2), 15(2) and 18(2), which would also allow for more flexibility on future changes. The Legislation Committee concluded that they required more answers prior to commenting on this proposal, and directed staff to ask N. Hambleton: (1) why PEO could no longer give Notices of Proposal for “normal course” refusals when this seemed to be covered by Section 19(1)’s reference to Section 14(1); and (2) if the requirement to issue a Notice of Proposal is necessary to have in legislation.

Action: Staff to contact N. Hambleton of the Regulatory Compliance Dept. to ask: (1) why PEO could no longer give Notices of Proposal for “normal course” refusals when this seemed to be covered by Section 19(1)’s reference to Section 14(1); and (2) if the requirement to issue a Notice of Proposal is necessary to have in legislation.

2.2 Consulting Engineers of Ontario Request for Regulation Change

Council discussed the recent letter from Consulting Engineers of Ontario (CEO) to President Hill arguing that Professional Engineers Ontario should eliminate the “Consulting Engineer” designation, justifying this with references to recommendations 1 and 6 from the Cayton Report, as well as the Consulting Engineering Designation Committee’s letter to President Hill objecting to CEO’s request. The Chair stated that CEO had sent another letter to her calling for the elimination of the designation, but also calling for professional liability insurance to be made mandatory without exception (an issue not mentioned in the Cayton Report). The Legislation Committee decided that the Chair would forward the letter she had received to the Legislation Committee members and staff, and that

staff should draft a response letter for President Hill to include in her response to CEO, stating that any such decisions regarding the Consulting Engineering Designation Committee or the “Consulting Engineer” designation be held off until the Action Plan’s process was completed with respect to committees and designations.

Action: Chair to forward the letter she had received to the Legislation Committee members and staff.

Action: Staff to draft a response letter for President Hill to send to Consulting Engineers of Ontario.

3. FOR DISCUSSION (cont’d.)

3.2 By-Law Proposal Next Steps - Follow-Up from September 20, 2019 Council Meeting

The Legislation Committee followed up on the Briefing Note that had been sent to Council for the September 20, 2019 meeting. Council approved the changes relating to replacing the title “Registrar” in the By-Law with the title “CEO/Registrar”, as well as the inclusion into the By-Law of three current fees that had been approved by Council but had not yet been written into the By-Law.

Staff will give a presentation to the Finance Committee on October 16, 2019 and ask for their advice regarding the “in lieu” fee applicants pay when taking courses instead of a first exam. Staff will prepare a Briefing Note on this issue for the November 2019 Council meeting, as well as a Briefing Note on whether Council’s Engineering Intern (EIT) Fee Remission Policy needs to be discontinued or put into legislation. Drafts of both Briefing Notes will be presented to the Legislation Committee at its October 25, 2019 meeting prior to being sent to Council in November 2019.

Action: Staff to draft a Briefing Note on the “in lieu” application fee using information from the Finance Committee, and a Briefing Note on EIT fee remission. Both Briefing Notes will be presented to the Legislation Committee at its meeting on October 25, 2019 prior to being sent to Council in November 2019.

3.3 2019-2020 Legislation Committee Work Plan

The Legislation Committee discussed their 2019-2020 Work Plan and agreed that, as per the Action Plan passed by Council, the Committee is unlikely to initiate any Regulation changes this year pertaining to the External Regulatory Performance

Review and Radiohead Coroners' Inquest recommendations. It was also noted that that staff should check if the outstanding changes to the provisional licence in the *Professional Engineers Act* will be proclaimed as part of an upcoming omnibus bill.

Action: Staff to check if the outstanding changes to the provisional licence in the *Professional Engineers Act* will be proclaimed as part of an upcoming omnibus bill.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:46 p.m.

The next meeting is scheduled for Friday, October 25, 2019, from 11:00 a.m. to 2:00 p.m.