



Minutes

LEGISLATION COMMITTEE MEETING

Friday, January 10, 2020 - 11:00 a.m.

[Meeting held via teleconference]

Members:

Lisa MacCumber, P. Eng. (Chair)
Leila Notash, P. Eng. (Vice-Chair)
Sandra Ausma, P. Eng.
Gary Houghton, P. Eng.
Arthur Sinclair, P. Eng.

Staff:

Jordan Max, Manager, Policy
Andrew Tapp, Policy Analyst

Regrets:

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

1. PROCEDURAL

1.1 Introduction

The Chair called the meeting to order at 11:01 a.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: L. Notash Seconded by: S. Ausma CARRIED

1.3 Approval of Minutes of October 25, 2019 Meeting

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 Minutes as written.

Moved by: G. Houghton Seconded by: S. Ausma CARRIED

1.4 Action Items Update from October 25, 2019 Meeting

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

Briefing Note - Amendments to Section 19(1) of the Professional Engineers Act

Staff to add a paragraph to the Briefing Note, detailing that the changes made to the *Professional Engineers Act* in 2017 were tied directly to PEO's response to the Elliot Lake Inquiry, with direct reference to Bullet 5 in Appendix A of the Briefing Note. The amended Briefing Note will be sent to Council for the November 2019 meeting. [Completed]

J. Max reported this item as completed.

Briefing Notes - EIT Fee Remission and Academic Course In-Lieu Fees

Staff to make amendments, as directed, and circulate the Briefing Notes to the Legislation Committee members via e-mail for final approval. The Briefing Note will be submitted to Council for the November 2019 meeting. [Completed]

J. Max reported this item as completed.

Next Meeting and Adjournment

Staff to determine a method or program that L. Notash could use to connect to the next meeting via the internet. Staff will ask IT if there is a standard way to do this. [Completed]

J. Max reported this item as completed.

2. FOR DECISION

2.1 Approval of Legislation Committee Representative to Licensing Committee

The Committee discussed which Legislation Committee member should replace G. Wowchuk as the representative on the Licensing Committee. It was decided that L. Notash should be the representative as she was already attending Licensing Committee meetings, but that this would be pending permission from the Human Resources Committee. It was also noted that this appointment would only be for the remainder of the Council year. Staff will check with the Human Resources Committee staff support person if L. Notash can take on this role.

Action: Staff to check with the Human Resources Committee if L. Notash can act as the Legislation Committee representative on the Licensing Committee for the rest of the Council year.

3. FOR DISCUSSION

3.1 Act Change Proposal - Amendments to Notice of Proposal Provisions in Subsection 19(1)

The Committee discussed the follow-up to the Briefing Note approved by Council in November 2019 that directed PEO to request explicit amendments to subsection 19(1) of the *Professionals Engineers Act* to restore the express requirement that the Registrar shall issue Notices of Proposal to applicants who are refused a licence, limited licence, provisional licence, temporary licence or Certificate of Authorization. Council referred this matter to staff, with the Legislation Committee providing oversight. J. Max referred to the jurisdictional scan forwarded on January 9, 2019 to illustrate other regulators' requirements for similar notices. He also commented that PEO may be required to check with other stakeholders (such as former Registration Committee appellants) before making changes, but added that that this may not apply as PEO is trying to restore wording that was removed unintentionally.

Action: Staff to confirm if PEO will be required to conduct stakeholder consultations before requesting the specified Act changes.

3.2 Mandatory Annual Reporting of Practitioner Information

The Committee discussed the follow-up to the Briefing Note approved by Council in November 2019 that directed PEO to require annual reporting by all licensed engineering practitioners of information regarding their current practice status, area of engineering practice, and other relevant information. Implementing this

proposal will require changes to the *Professional Engineers Act*, and likely Regulation 941, as well, to mandate annual renewal information returns, along with any administrative sanctions or penalties for non-compliance with that requirement. J. Max presented an initial scan that had been done by staff looking into the practices of other regulators for continuing professional development and areas of practice, but advised that an in-depth survey on what data regulators collect and display in their Register would likely be necessary, as well as internal review of disclosures in the public interest. A. Sinclair asked why PEO needed to modify the Act to collect the information and if it would be better to collect the information while leaving the Act as is. J. Max noted that PEO already collects information from members for display in the Register without explicit permission from the Act, but this information was not related to the public interest (such as Chapter membership).

L. MacCumber noted that the terms used in the current public Register can be confusing, citing a retired colleague whose profile in the Register noted that they could not practice engineering, while also listing them as having a “current” licensing status. J. Max stated that the Register required a revamped interpretive guide and that the current glossary was difficult to understand. Finally, the Committee asked that survey done by staff of other regulators’ reporting practices include the legislative authority that regulators use to collect their members’ information.

Action: Staff to conduct a survey of the reporting practices of other regulators, including the legislative authority they use to collect information from their members, and to report back to the Committee.

3.3 Committee Work Plan 2019-2020

The Committee discussed the Committee’s 2019-2020 Work Plan. S. Ausma noted that, for Item 11, the year should be changed from 2019 to 2020.

Action: Staff to change the year from “2019” to “2020” for Item 11 of the Committee Work Plan.

4. FOR INFORMATION

4.1 Change Letters: O. Reg. 63/09 and Reg. 903

Staff informed the Committee about two change letters that staff had sent to the Ministry of the Environment, Conservation and Parks concerning conflicts between government legislation and the *Professional Engineers Act*. The first

letter concerned O. Reg. 63/09, which used the term “professional engineer” instead of the correct “licenced engineering practitioner” and failed to provide adequate guidance to engineers determining the gas-tightness of a vault. The second letter concerned Reg. 903, which used the term “engineers-in-training” instead of “engineering interns”, and mistakenly stated that engineering interns were members of PEO.

4.1 Upcoming Regulatory Guidance Issues: O. Reg. 97/14 and Small Vehicle Manufacturing

Staff informed the Committee regarding two potential regulatory guidance issues. The first concerns O. Reg. 97/147, which requires engineers to use expert knowledge without providing clear guidance. The government is proposing providing additional directions regarding that regulation, and PEO is considering sending a letter asking that the government take our guidance issues into account. The second issue is regarding a new guideline pertaining to manufacturers of small batches of vehicles, allowing the manufacturers to forgo the required physical crash test in favour of software simulation. PEO is not considering a response to this issue at this time.

5. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:58 a.m.

The next meeting is scheduled for Friday, February 14, 2020, from 11:00 a.m. to 2:00 p.m.