

Additional Act Changes Proclaimed, Regulation 941 Amended

On August 15, 2012, some of the 2010 amendments to the *Professional Engineers Act* that were awaiting proclamation of an effective date by the Lieutenant Governor came into effect. In addition, a related change to Regulation 941 also became effective. The text of the amended/new sections appears below. To download a copy of the full act and regulation as amended, please visit http://www.peo.on.ca/index.php?ci_id=1812&la_id=1.

Professional Engineers Act

Regulations

7. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations, ...
 5. respecting the composition of the committees required by this Act, other than the Complaints Committee, the Discipline Committee and the Registration Committee, the mechanism of the appointment of members of the committees and the procedures ancillary to those specified in this Act in respect of any committee; 2010, c. 16, Sched. 2, s 5(7).
 7. prescribing the quorums of the committees required by this Act other than the Complaints Committee, the Discipline Committee and the Registration Committee; 2010, c. 16, Sched. 2, s. 5(8).

Registration Committee

- 19.1 (1) The Registration Committee is continued and shall be composed of the following persons appointed by the Council:
 1. At least two persons, each of whom is either,
 - (i) A member of the Council appointed by the Lieutenant Governor in Council, or
 - (ii) A person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
 2. At least three members of the Association. 2010, c. 16, Sched. 2, s. 5(39).

Quorum

- (2) Three members of the Registration Committee, of whom at least one is a person referred to in subparagraph 1 i or ii of subsection (1), constitute a quorum. 2010, c. 16, Sched. 2, s. 5(39).

Chair, vice-chair

- (3) The Registration Committee shall name one of its members as a chair, and another as vice-chair, of the Registration Committee. 2010, c. 16, Sched. 2, s. 5(39)

Same

- (4) Any power, duty or functions of the chair of the Registration Committee may be exercised by the vice-chair, if the chair is absent or unable to act, 2010, c. 16, Sched .2, s. 5(39).

Discipline Committee

27. (1) The Discipline Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one elected member of the Council.
2. At least one member of the Association who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. not a member of the Council, and approved by the Attorney General.
3. At least one person who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council under clause 3(2)(c), or
 - ii. neither a member of the Council nor a member of the Association, and approved by the Attorney General.
4. At least three members of the Association each of whom has at least 10 years experience in the practice of professional engineering. 2010, c. 16, Sched. 2, s. 5(59).

Quorum

- (2) One of each of the persons appointed under paragraphs 1, 2, 3 and 4 of subsection (1) constitute a quorum of the Discipline Committee. 2010, c. 16, Sched. 2, s. 5(59).

Chair, vice-chair

- (3) The Discipline Committee shall name one of its members as chair, and another as vice-chair, of the Discipline Committee. 2010, c. 16, Sched. 2, s. 5(59).

Same

- (4) Any power, duty or function of the chair of the Discipline Committee may be exercised by the vice-chair, if the chair is absent or unable to act. 2010, c. 16, Sched. 2, s. 5(59).

Referral to panel

- (5) Within 90 days after a matter is referred to the Discipline Committee for hearing and determination, the chair may,
 - (a) select a panel from among the members of the Committee that includes at least one of each of the persons appointed under paragraphs 1, 2, 3 and 4 of subsection (1);
 - (b) designate one of the members of the panel to chair it;
 - (c) refer the matter to the panel for hearing and determination; and
 - (d) set a date, time and place for the hearing. 2010, c. 16, Sched. 2, s. 5(59).

Powers of panel

- (6) A panel established under subsection 5 has all the powers, duties and functions of the Discipline Committee with respect to the hearing and determination of the matter referred to the panel, and a decision or order of the panel is deemed to be a decision or order of the Committee. 2010, c. 16, Sched. 2, s. 5(59).

Majority required

- (7) All disciplinary decisions of the Committee or of a panel established under subsection (5) require the vote of a majority of those of its members presiding over the matter. 2010, c. 16, Sched. 2, s. 5(59).

Inability to act

- (8) If the Discipline Committee or a panel established under subsection (5) commences a hearing and a member of the Discipline Committee required to preside over the hearing by virtue of subsection (2) or clause (5)(a), as the case may be, is unable to continue to act, the remaining members may complete the hearing despite the member's absence, but in no case shall a hearing be presided over by fewer than three members of the Committee. 2010, c. 16, Sched. 2, s. 5(59).

Transition

- (9) This section, as it read immediately before the day subsection 5(59) of Schedule 2 to the *Open for Business Act, 2010* comes into force, continues to apply in respect of every hearing of the Discipline Committee or of a panel that is commenced and not concluded before that day. 2010, c. 16, Sched. 2, s. 5(59).

Repeal

- (10) Subsection (9) is repealed on the fourth anniversary of the day on which subsection 5(59) of Schedule 2 to the *Open for Business Act, 2010* comes into force. 2010, c. 16, Sched. 2, s. 5(59).

Reference by Council or Executive Committee

27.1 The Council or the Executive Committee may, by resolution, refer to the Discipline Committee for hearing and determination any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence specified in the resolution. 2010, c. 16, Sched. 2, s. 5(60).

Duties and powers of Discipline Committee

Duties of Discipline Committee

- 28.** (1) The Discipline Committee shall, ...
(b) hear and determine matters referred to it under section 24, 27.1 or 37; and ...

Regulation 941/90

- 32.** Revoked: O. Reg. 201/12, s. 1.