

# Regulation 941/90 amended effective May 1, 2007

At its meeting on January 19, 2007, PEO Council approved amendments to Regulation 941/90 made under the *Professional Engineers Act*. Following approval by Cabinet, the Regulation amendments were filed with the Registrar of Regulations as O.Reg. 157/07 on April 20, 2007, and came into force on May 1, 2007.

The amended sections are shown below. To access the complete Regulation 941/90, please visit [www.e-laws.gov.on.ca/DBLaws/Regs/English/900941\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900941_e.htm).

## Section 7

7. Revoked: O. Reg. 157/07, s. 1.

## Section 11

11. The Council shall determine in each year whether the voting for the election of members to the Council for that year shall be by ballot cast by mail, by electronic means or by either mail or electronic means. O. Reg. 157/07, s. 2.

- 11.1 The Council shall appoint in each year a Chief Elections Officer, who shall for that year,
- oversee the nomination of Members for election to the Council and the election of and voting for members to the Council; and
  - ensure that nomination, election and voting are conducted in accordance with the procedures established under the Act. O. Reg. 157/07, s. 2.

## Section 12

- 12.(1) The Council shall appoint a Central Election and Search Committee each year composed of,
- the penultimate past-president;
  - the immediate past-president;
  - the president; and
  - two other Members. R.R.O.

1990, Reg. 941, s. 12(1);  
O. Reg. 157/07, s. 3(1).

- The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Central Election and Search Committee designated by the Council shall act as chair. R.R.O. 1990, Reg. 941, s. 12(2); O. Reg. 157/07, s. 3(2).
- The Central Election and Search Committee shall,
  - encourage Members to seek nomination for election to the Council as president-elect, vice-president or a councillor-at-large;
  - assist the Chief Elections Officer as may be required by him or her; and
  - receive and respond to complaints regarding the procedures for nominating, electing and voting for members to the Council in accordance with this Regulation. O. Reg. 157/07, s. 3(3).

- Meetings of the Central Election and Search Committee shall be convened by the chair from time to time or as directed by Council. O. Reg. 157/07, s. 3(3).

## Section 13

- 13.(1) The Council shall in each year appoint a Regional Election and Search Committee for each Region composed of the chair of each Chapter in the region. R.R.O. 1990, Reg. 941, s. 13(1); O. Reg. 157/07, s. 4(1).
- The Junior Regional Councillor in each Region shall act as chair of the Regional Election and Search Committee for that

Region and shall not be entitled to vote. R.R.O. 1990, Reg. 941, s. 13(2); O. Reg. 157/07, s. 4(1).

- If the Junior Regional Councillor is unable to act, the Regional Election and Search Committee shall select a chair from among its members and the chair shall only be entitled to vote to break a tie. R.R.O. 1990, Reg. 941, s. 13(3); O. Reg. 157/07, s. 4(1).
- The Regional Election and Search Committee for a Region shall encourage Members residing in the Region to seek nomination for election to the Council as a regional councillor. O. Reg. 157/07, s. 4(2).
- Meetings of a Regional Election and Search Committee shall be convened by the chair from time to time or as directed by Council. O. Reg. 157/07, s. 4(2).
- A Chapter chair who is unable to attend a meeting of the Regional Election and Search Committee may appoint a delegate, who must be a member of the Chapter executive, to attend the meeting and act in his or her place, and the delegate must deliver the written authorization of the Chapter chair to the chair of the meeting. R.R.O. 1990, Reg. 941, s. 13(5); O. Reg. 157/07, s. 4(3).
- A majority of Regional Election and Search Committee members constitutes a quorum at any meeting of the committee. R.R.O. 1990, Reg. 941, s. 13(6); O. Reg. 157/07, s. 4(3).
- , (8) Revoked: O. Reg. 157/07, s. 4(4).

## Section 14

- 14.(1) A Member may be nominated for election to the Council as president-elect, vice-president or a councillor-at-large by no fewer than fifteen other Members, including Member residents from each Region. O. Reg. 157/07, s. 5.
- (2) A Member may be nominated for election to the Council as a regional councillor for a Region by no fewer than fifteen other Members who reside in the Region. O. Reg. 157/07, s. 5.
- (3) A nomination under subsection (1) or (2) is not valid unless it is,
- signed by all the nominators;
  - forwarded to the Registrar together with the written consent of the Member nominated; and
  - received by the Registrar no later than the date and time set by the Council for the receipt of nominations in respect of the election. O. Reg. 157/07, s. 5.

## Section 15.1

- 15.(1) Where no Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the office of president-elect, vice-president, councillor-at-large or regional councillor, as the case may be, shall be filled by a Member appointed by a majority of the Council. O. Reg. 157/07, s. 6.
- (2) A Member is not eligible to be appointed under subsection (1) to the office of regional councillor for a Region unless he or she resides in the Region at the time of the appointment. O. Reg. 157/07, s. 6.
- (3) Despite section 6, a Member appointed to an office under

subsection (1) shall be deemed to have been nominated for and elected to the office in accordance with this Regulation. O. Reg. 157/07, s. 6.

## Sections 17, 18, 19

- 17.(1) The Registrar, or in his or her absence the general secretary, shall prepare ballots for an election to Council setting out the names of the candidates for each office. O. Reg. 157/07, s. 7.
- (2) Subsection (1) does not apply in the case of an office to which a Member is appointed by a majority of the Council or elected by acclamation. O. Reg. 157/07.
18. The Registrar, or in his or her absence the general secretary, shall send to each Member entitled to vote in respect of an election a ballot and a list of Members, if any, appointed to office by a majority of the Council or elected to office by acclamation. O. Reg. 157/07, s. 7.
- 19.(1) A Member who receives a ballot for an election to Council may cast his or her vote by returning, in the manner determined by the Council under section 11, a completed ballot to the Registrar, the general secretary, the Chief Elections Officer or an agent designated by the Council for the purpose no later than the date and time set by the Council. O. Reg. 157/07, s. 7.
- (2) The date referred to in subsection (1) shall not be less than twenty-eight days following the date on which the ballots are sent to the Members. O. Reg. 157/07, s. 7.

## Section 20

20. On or before the date set by the Council for the receipt of ballots, the president shall appoint three returning officers who may, but need not be, Members.

R.R.O. 1990, Reg. 941, s. 20; O. Reg. 157/07, s. 8.

## Section 21

21. The returning officers shall,
- observe the processing of ballots to ensure that only duly marked ballots returned before the date and time set by the Council under subsection 19(1) are counted;
  - review rejected ballots;
  - re-process rejected ballots found to be valid;
  - approve the final count of ballots;
  - make such other investigation and inquiry as they consider necessary or desirable for the purpose of supervising the counting of the vote; and
  - report the results of the vote to the Registrar not later than three weeks following the date set by the Council for the receipt of ballots. R.R.O. 1990, Reg. 941, s. 21; O. Reg. 13/03, s. 8; O. Reg. 157/07, s. 9.

## Section 23

- 23.(1) The Registrar shall give written notice of the election results, including appointment of a majority of the Council or election by acclamation,
- to all members of the Council; and
  - to all persons nominated for the election,
- and shall forward the results, including the number of votes cast for each candidate, to all Members prior to the date of the annual meeting of the Members next following the date of the election or the results shall be announced at the annual meeting and forwarded to all Members as soon as practicable thereafter. R.R.O. 1990, Reg. 941, s. 23(1); O. Reg. 13/03, s. 9; O. Reg. 157/07, s. 10.

- (2) The Council may direct the destruction of ballots at any time after receipt by the Council of the notice mentioned in clause (1)(a). R.R.O. 1990, Reg. 941, s. 23(2).

### Section 24

- 24.(1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,
- (a) a meeting of Members; or
  - (b) the date upon which ballots for an election are sent to Members. R.R.O. 1990, Reg. 941, s. 24(1); O. Reg. 157/07, s. 11(1, 2).
- (2) Prior notice of each closing of the register of Members shall

be given to all Members. R.R.O. 1990, Reg. 941, s. 24(2).

- (3) During the period of time in which the register is closed, there shall not be recorded,
- (a) any new Member; or
  - (b) any change in a Member's contact information, including his or her mailing address, email address or fax number. O. Reg. 157/07, s. 11(3).

### Section 25

25. For the purposes of eligibility for nomination, election and voting, a Member shall be deemed to reside at the address of the Member recorded in the register of Members on the day immediately preceding the date

on which ballots in respect of the election are sent to Members. R.R.O. 1990, Reg. 941, s. 25; O. Reg. 157/07, s. 12.

### Section 79

79. In the event of an interruption in postal service or electronic communication, the Council may take such steps as it considers appropriate including, without limitation,
- (a) the extension, for such periods as it considers reasonable in the circumstances, of any time periods set forth in this Regulation; and
  - (b) the use of such alternate means of communication as it considers appropriate in the circumstances. R.R.O. 1990, Reg. 941, s. 79; O. Reg. 157/07, s. 13.

## Gazette editorial objectives and policy

Gazette was first published in March/April 1982 as a means of highlighting the activities of the then Department of Legal and Professional Affairs. While that first issue included a brief note from the director of legal and professional affairs outlining the purpose and possible content for Gazette, there had never been a formal editorial policy or set of objectives for the publication.

In April 2004, the CEO/Registrar approved the following as the Gazette editorial objectives and policy:

- Gazette is a regular feature of *Engineering Dimensions*, which is the official journal of Professional Engineers Ontario (PEO). The manager, complaints and discipline, at PEO serves as the editor of Gazette.
- Gazette is intended to highlight the activities of the Regulatory Compliance department in its administration of the relevant portions of the *Professional Engineers Act*, including complaints and discipline processes, enforcement

against unlicensed practitioners, and Registration Committee processes.

- Pursuant to sections 28(4)(i), 28(5) and 28(6) of the Act, Gazette is the vehicle for the publication of findings and orders of the Discipline Committee, in detail or summary form, and with or without reference to names as ordered by the Discipline Committee. If the Discipline Committee does not specify summary or detail form in an order, the form of publication is at the discretion of the editor.
- Each issue of Gazette will include a schedule of Discipline Committee hearings, indicating the name of the licence holder and/or Certificate of Authorization holder facing disciplinary action and a summary of the allegations against them. At such time when Registration Committee hearings become open to the public, each issue of Gazette will also include a schedule of such hearings, including the name of the applicant and a summary of the cir-

cumstances resulting in the need for a hearing.

- Gazette will report the results, in summary form, of any hearings of the Registration Committee that were open to the public.
- Gazette will also include summaries of enforcement activities including the reporting of the results of any charges laid against individuals or corporations pursuant to sections 39, 40 and 41 of the Act.
- Gazette may report the results of any examination of PEO's procedures for the treatment of complaints that has been carried out by the Complaints Review Councilor pursuant to section 26(1) of the Act.
- Gazette may also include articles and information relating to regulatory matters that are considered relevant to professional engineers and the practice of professional engineering, including information and issues relating to compliance with demand-side legislation (e.g. *Ontario Building Code*, *Occupational Health and Safety Act*).