

PEO granted standing in Elliot Lake Inquiry, responds to summons to produce documents

By Michael Mastromatteo

PEO has been granted standing as a participant in Part I of the Elliot Lake Commission of Inquiry, which was established on July 19, 2012, by the Ontario government to inquire into and report on events surrounding the collapse on June 23 of a portion of the Algo Centre Mall in Elliot Lake. The collapse killed two people and injured many more.

Part I will deal with events prior to the collapse. Part II will deal with emergency management after the collapse.

The commission's decision on PEO's application for standing was released on November 8. In making its decisions on standing, the commission considered such factors as whether parties seeking standing have a "substantial and direct interest" in the subject matter of the inquiry and whether their participation would contribute to openness and fairness of the inquiry and further the conduct of the inquiry.

In relation to PEO's request for standing, the commission noted that PEO is the licensing and regulating body for professional engineering in Ontario, has launched its own investigations related to the collapse, and issues guidelines relating to professional engineering services in construction and building. "The PEO clearly has an important interest and expertise in the issues raised by the Order in Council [establishing the commission of inquiry]," the commission said in granting standing to PEO.

As a participant with standing, PEO may have:

- access to documents the commission collects, subject to the commission's *Rules of Procedure*;
- advance notice of documents proposed to be introduced into evidence;
- advance provision of statements of anticipated evidence;
- a seat at counsel table;
- the opportunity to suggest witnesses to be called by the commission counsel, and if those witnesses are not called, the opportunity to apply to Commissioner Paul R. Bélanger to lead the evidence of a particular witness;
- the right to cross-examine relevant witnesses; and
- the opportunity to make closing submissions.

In September, PEO received from the commission a summons to produce documents having to do with complaints received and disciplinary action taken in relation to specific PEO licence and certificate holders. PEO complied fully with the summons request; however, as provided for in rule 17 of

the commission's rules, it also requested an order under section 10(4) of the *Public Inquiries Act* (PIA). PEO's request was that those to whom information in the documents relates be given notice and the opportunity to consent to any pre-hearing public disclosure or to make submissions to the commission regarding use of the information. PEO's submissions were aimed at highlighting to the commission PEO's obligation to seek consent before releasing information it obtains in the course of administering the *Professional Engineers Act* that is not otherwise public. PEO did not comment in its submissions on whether any particular document should or should not be made public.

PEO APPOINTS ACTING CEO/REGISTRAR

By Michael Mastromatteo



Michael Price, P.Eng., MBA, FEC, was appointed acting CEO/Registrar of PEO October 16, 2012.

A NINE-YEAR VETERAN of PEO senior management has been appointed acting CEO/Registrar of Ontario's engineering regulator.

Michael Price, P.Eng., MBA, FEC, the current deputy registrar, licensing and finance, succeeds former CEO/Registrar Kim Allen, P.Eng., FEC, who left the association in September to become CEO of Engineers Canada.

Price's appointment was effective October 16, 2012. In addition to undertaking his new responsibilities as acting CEO/registrar, Price will continue to lead PEO's licensing and finance division.

"I am honoured and delighted at the opportunity to lead the operational management of PEO and to serve the profession at such an exciting and challenging time," Price said at the time of his appointment.

Price joined PEO in August 2003 with extensive utility industry and regulatory experience. He was the president and chief executive officer with Haldimand County Hydro for eight years, and a one-time distribution engineer with Burlington Hydro and Ontario Hydro.

In announcing the appointment, PEO President Denis Dixon, P.Eng., FEC, called Price "well acquainted with all aspects of PEO," due to his many years as a deputy registrar.

In response to PEO's submissions and another relating to confidentiality filed by the mall's owner, the commission issued a notice to participants in the inquiry and media organizations alerting them to their right to make submissions on the requests, and setting a December 17 date for hearing the submissions.

As of January 7, the commission had not issued its ruling on PEO's request for an order under section 10(4) of the PIA.

In PEO's reply submissions to those of the other participants and media, PEO notes that since its initial submissions it had worked with commission counsel to narrow the original list of confidential documents and provided contact information so that notice could be delivered to the engineers and complainants to whom information contained in the documents relates. PEO also noted that it understood that these people had now been notified. PEO further offered to assist commission counsel to find contact information by January 11, 2013, for the remaining people named in the confidential documents, so that they could be provided an opportunity to consent or make submissions on the use of their information.

Prior to making its application for standing, PEO had written to Premier Dalton McGuinty suggesting a possible need for an Ontario provincial engineer to oversee the overall health of the province's engineering works. PEO also wrote to inquiry Commissioner Paul Bélanger shortly after his appointment to offer PEO's assistance. PEO has created an Elliot Lake webpage at www.peo.on.ca/News/Elliot_Lake/Elliot-LakeInquiry.html to provide continuing information on PEO's participation in the inquiry.

The Ontario government has directed the commission to produce its report within 18 months of its establishment. The commission does not expect to begin its hearings in Elliot Lake until at least late February.

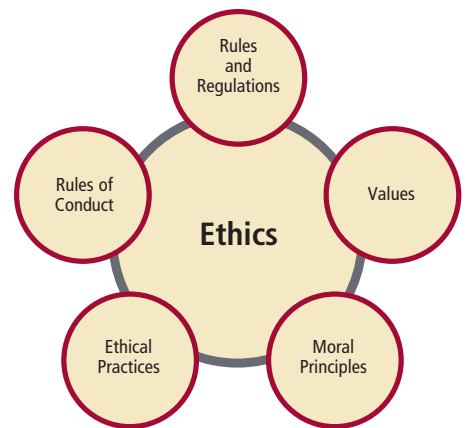
Engineers Nova Scotia adopts NATIONAL

CODE OF ETHICS

By Jennifer Coombes

ENGINEERS NOVA SCOTIA has become the third provincial engineering regulator to adopt Engineers Canada's national model Code of Ethics as its own, following in the footsteps of Professional Engineers and Geoscientists Newfoundland and Labrador, which adopted a modified version in 2008, and the Association of Professional Engineers and Geoscientists of Saskatchewan, which adopted a prior version of the code.

Adherence to the national code, outlined in the *Guideline on the Code of Ethics* (April 2012), and available at www.engineerscanada.ca/e/files/guideline_code_with.pdf, became effective for Nova Scotia P.Engs on September 30, 2012. In confirming its adoption of the national model code, Engineers Nova Scotia requested that Engineers Canada consider modifying the code's



introductory paragraph to clarify that licence holders cannot use a corporate structure to insulate themselves from having to behave according to the Code of Ethics.

The guideline was first published in 2001 and covers nine tenets that relate to the values of truth, honesty and trustworthiness, and to safeguarding human life and welfare and the environment.

PEO has not adopted the national Code of Ethics, but instead requires Ontario professional engineers to follow its own code, which can be found at www.peo.on.ca under Publications.

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