



**Professional Engineers
Ontario**

April 17, 2003

VIA SAME DAY COURIER

The Honourable Norman W. Sterling, P.Eng., LL.B.
Attorney General of Ontario
Queen's Park
720 Bay Street, 11th Floor
Toronto, ON M5G 1K1

Re: The proposed Act to Enforce the Practice of Safe Interior Design

Dear Minister:

Further to our letter of February 11, 2003 to the former Attorney General, the Honourable David Young, which you acknowledged by letter of March 21, 2003, Reference # M03-01214, Professional Engineers Ontario (PEO) now has the following additional comments on the above proposed legislation.

Since our earlier letter, PEO has met with the representatives of the Association of Registered Interior Designers of Ontario (ARIDO) in order to discuss our concerns with its proposed Act, which we documented in our February correspondence to you. ARIDO is to be complimented on the steps it has taken to upgrade the practice of interior design, and on its willingness to work with PEO to resolve the conflicts between its proposed Act and the *Professional Engineers Act*. Notwithstanding ARIDO's willingness to address the issues identified by PEO regarding conflicts between the *Professional Engineers Act* and the proposed Act, we find their case for introducing the legislation in the public interest to be weak. PEO questions the need to create another self-regulating profession to cover the practice of interior design.

In coming to this position, PEO has been guided by the words of the Honourable Roy McMurtry, a former Attorney General, who said the following in 1983 in introducing the first reading of the *Professional Engineers and Architects acts*:

"It is by now axiomatic that self-governing licensing bodies exist only to serve the public interest. The financial or other interests of their members should not be a concern. The economic benefits that may inure to the possessors of a licence are a possible by-product of licensing, but it is not a reason for the Legislature conferring the licensing power on a self-governing organization. A licence is an exclusive right to practise an occupation. As a general principle, every person should be free to utilize his or her abilities, education, training and experience in earning a livelihood. Therefore, it is wrong to create a restriction on this general principle by establishing licences, unless this Legislature is satisfied that licensing is necessary to protect the public. The Professional Organization Committee recommended that no new occupational licensing should be created until a public inquiry establishes the need for restricting access to an occupation to protect the public".

Mr. McMurtry went on to say:

“There is a new narrower definition of the ‘practice of professional engineering’ in the Professional Engineers Act, designed to better describe the acts that persons who are not professional engineers or who are not acting under the supervision of professional engineers are prohibited from undertaking. The new definition should help to relieve the concerns of many in the scientific community by making a clearer dividing line between the work of scientists and that of professional engineers. The new definition should also relieve the concerns expressed by industrial designers, interior designers and others who commented on the Discussion Draft of the Act. With the narrower definition, the work of many persons that creates no risk to the public will be excluded from the definition. Of course, the new definition does not prevent professional engineers from competing with others in the areas that are not exclusively within the practice of professional engineering as defined in the statute.”

PEO believes strongly that the words of the former Attorney General remain true today, that is where the public is not put at significant risk, there is no justification for restricting individual rights to practise an occupation. We believe the public is well protected through the delegated authority already provided to the professions of engineering and architecture, and that there are few, if any, areas in the purview of interior design that are not adequately regulated through regulation of engineering and architecture.

In addition, the Ontario Building Code and Fire Code cover aspects of interior design that may have an impact on public safety; if there are deficiencies in these codes, PEO recommends that it is more advantageous to address the deficiencies than to introduce additional regulatory burden through a new licensing regime. It should be noted that the proposed Act would create an artificial shortage of interior designers, thereby potentially driving up costs for consumers of interior design services, by preventing unlicensed, but otherwise competent, interior designers from practising. PEO believes it would also create unnecessary confusion for consumers of design services because of the overlap and potential conflict with the jurisdictions of existing professions.

We look forward to discussing this issue with you at your earliest convenience.

Sincerely

Original Signed By

Richard W. Braddock, P.Eng.
President

RWB/b

Copies: John Twohig, Senior Counsel, Policy Branch, Ministry of the Attorney General
Andrea McGuigan, Policy Advisor to the Attorney General
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