



Minutes

LEGISLATION COMMITTEE MEETING

Friday, April 8, 2016 - 11:00 a.m.

PEO Offices - Room 1C

Members:

Bob Dony, P. Eng. (Vice-Chair)

Bill Kossta

Ewald Kuczera, P. Eng.

Sharon Reid, C. Tech.

George Comrie, P. Eng. (President-Elect; Ex-Officio Member) *[at 11:30 a.m.]*

Regrets:

Roydon Fraser, P. Eng. (Chair)

Thomas Chong, P. Eng. (President; Ex-Officio Member)

Staff:

Josie D'Aluisio, Administrative Assistant

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Johnny Zuccon, P. Eng., Deputy Registrar, Tribunals and Regulatory Affairs

1. PROCEDURAL

1.1 Opening Remarks

In the absence of Chair R. Fraser, Vice-Chair B. Dony chaired the meeting.

Acting Chair Dony called the meeting to order at 11:05 a.m., and welcomed and thanked everyone for attending.

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: B. Kossta Seconded by: E. Kuczera CARRIED

1.3 Approval of Minutes of March 4, 2016 Meeting

The members were asked if there were any additions or changes to the Minutes.

E. Kuczera noted that an amendment/clarification was necessary regarding Item 3.4 - Whistleblowing, to indicate that a change would be needed to overall provincial legislation, not the *Professional Engineers Act* by itself, to support whistleblowing. This change was duly noted.

A motion was made to approve the Minutes of the March 4, 2016 meeting as amended.

Moved by: E. Kuczera Seconded by: B. Kossta CARRIED

1.4 Action Items Update from March 4, 2016 Meeting

The members were referred to the Actions Items Update document included in the agenda package. J. Max updated the Committee as noted in the Status column of the table.

2. FOR DECISION

2.1 Supervising and Delegating Standard

The members were referred to the document included in the agenda package.

J. Zuccon provided a recap of the proposal, which stemmed from a Council Workshop in 2007 pertaining to issues of supervision in some Certificate of Authorization firms. Subsequently, the Professional Standards Committee (PSC) began work on drafting a Performance Standard on Supervising and Delegating, which was approved by Council at its 483rd meeting in February 2013. Subsequent discussions between PSC and the Attorney General identified that PEO did not have authority in the Act to introduce “delegation” in Regulation 260/08 and, as such, the work was now stalled as it awaited a decision by the Legislation Committee regarding the appropriateness of the Act changes.

The Committee discussed this issue further, including whether the concern was more about Section 17 (Certificate of Authorization) or Section 12(3)(b) (Industrial Exception), and whether it was an enforcement, communications, or interpretation issue instead. G. Comrie disagreed that the originating issue was with the Certificate of Authorization and felt that the issue was Section 12(3)(b). He did not see an Act change, but rather to explain and tighten up what Section 12(3)(b) means in regards to assuming responsibility.

Consensus was reached that further problem definition of “assuming responsibility” by the PSC was required, or perhaps a practice guideline was required before developing a standard, and that staff should discuss this with PSC at its next meeting.

Action: Staff to present to the PSC the need for further problem definition on “assuming responsibility”, and whether a guideline would be more prudent than a standard at this time.

2.2 Outstanding Act Changes: Discipline Panel Composition - Draft Council Briefing Note

The members were referred to the draft Council Briefing Note included in the agenda package. It had been revised as per the Minutes of the last meeting. The Committee reviewed the Briefing Note and agreed that the phrase “or in the alternative, permit former members of Council, who are qualified in accordance with recommendation 11, to fill this role” in the Council motion should be deleted. On this basis, the amended Briefing Note should be forwarded to the Secretariat for the June 2016 Council meeting.

A motion was made to approve the Briefing Note, as amended, by deleting “or in the alternative, permit former members of Council, who are qualified in accordance with recommendation 11, to fill this role” from the Council motion.

Moved by: B. Kossta

Seconded by: E. Kuczera

CARRIED

Action: Staff to forward the amended Briefing Note to the Secretariat for submission to Council for approval at its June 2016 meeting.

3. FOR DISCUSSION

3.1 Tracking Legislation Committee Issues

The members were referred to the document included in the agenda package. J. Max noted that, at the last meeting, staff was directed to provide a copy of the PSC Project Status Log used for issue tracking and committee continuity purposes as a sample of what a Legislation Committee issues log might emulate. The Committee reviewed the PSC Project Status Log and agreed that it would be worth emulating for the Legislation Committee and, in addition, it should have key word search functionality and be accessible to the Legislation Committee members, Councillors and members. It was agreed that staff should start drafting such an Issue Tracking Log going back to the Committee's reinstatement in November 2010, and present a draft at the next Legislation Committee meeting.

Action: Staff to draft a summary table for the Legislation Committee based on the PSC Project Status Log, and to present it at the next Legislation Committee meeting in May 2016.

3.2 Future Act Changes Log

The members were referred to the document included in the agenda package. J. Max noted the addition to the Future Act Changes log of Section 27(9) of the Act, which had a built-in four-year sunset clause for transition to the Discipline Committee composition changes made in 2010 to allow for pre-existing cases to be concluded. He advised that Tribunals staff had assured him that all of those pre-2010 cases had been concluded, and that there was no risk in asking the Government to rescind Section 27(9).

He also shared a copy of an e-mail from the Chair of the Complaints Committee, forwarded by the Deputy Registrar, Regulatory Compliance, to Legislation Committee administrative staff that the Complaints Committee had reviewed the three Council motions for Act changes relating to the Committee, and had determined that operational solutions had been found; therefore, making the changes unnecessary. The Chair of the Complaints Committee noted that he would be providing a more formal response in the near future to support the Complaints Committee's recommendation to Council that it rescind those three motions. The Committee took note of this, and agreed that it would support the Complaints Committee's recommendation, once received.

3.3. Legislation Committee 2015 Annual Report

E. Kuczera asked staff whether the Legislation Committee's Annual Report had been submitted for the PEO Annual General Meeting, and staff responded that the Chair had approved it in February 2016, and that it had been forwarded by March 4, 2016 for inclusion in the Annual Report package, and would be posted on the website.

4. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 1:30 p.m.

The next meeting is scheduled for Friday, May 6, 2016 at 11:00 a.m.