



Minutes

LEGISLATION COMMITTEE MEETING

Friday, December 2, 2016 - 11:00 a.m.

PEO Offices - Room 1C

Members:

Ewald Kuczera, P. Eng. (Chair)

Christian Bellini, P. Eng. *[via teleconference]*

George Comrie, P. Eng. (President, Ex-Officio Member)

Bob Dony, P. Eng. (Vice-Chair/President-Elect, Ex-Officio Member)

Roydon Fraser, P. Eng. *[via teleconference]*

Gary Houghton, P. Eng.

Staff:

Bernie Ennis, P. Eng., Director, Policy and Professional Affairs

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

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

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 11:11 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. Dony

Seconded by: G. Comrie

CARRIED

1.3 Approval of Minutes of November 4, 2016 Meeting

The members were asked if there were any additions or changes to the Minutes. No additions or changes were provided.

A motion was made to approve the Minutes of the November 4, 2016 meeting as written.

Moved by: G. Houghton Seconded by: C. Bellini CARRIED

1.4 Action Items Update from November 4, 2016 Meeting

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

Assessment of Regulatory Conflict with Ontario Legislation Using “Engineer” or “Engineering”

Complete the categorization of the Reference Table and draft possible actions for each category for review at the next meeting. [Completed]

J. Max reported that, following the last meeting, he had updated the table based on the discussion of the categories. Both items will be reviewed in depth at today’s meeting under Item 2.1.

Filling a Vacancy

Draft a letter of appreciation to former members B. Kossta and S. Reid for their time and commitment to the Legislation Committee, to be sent to the Chair for signature, on behalf of the Committee members. [Completed]

J. Max reported that the letters had been drafted for signature by the members present. They would be brought to the meeting for signature during the lunch break. C. Bellini and R. Fraser indicated that their names should be included without signatures, since they were not physically present.

2. FOR DISCUSSION

2.1 Assessment of Regulatory Conflict with Ontario Legislation Using “Engineer” or “Engineering”

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

J. Max indicated that the purpose of the regulatory conflict categories was a method to determine priorities of future action, which would be turned into a Regulatory Conflict Protocol for Council's approval, hopefully, at the February 2017 Council meeting, after which it would guide future work.

The Committee subsequently reviewed and discussed the five categories of regulatory conflict, their respective impacts, and possible future PEO action. Some amendments were made to the wording of the Regulatory Conflict, Regulatory Overlap, and No Apparent Conflict categories. It was agreed that staff should draft a "Regulatory Conflict Protocol" for the Committee's review at the next meeting.

Action: Staff to draft a Regulatory Conflict Protocol based on the "Action by Category of Regulatory Impact of Engineering Activity in External Legislation" document (as revised by the Committee), for review at the next meeting, and recommendation to Council at its February 2017 meeting.

The Committee then completed its detailed review of the remaining 72 statutes and regulations with a reference to "engineer" or "engineering", and discussed, clarified and revised the categorization.

The Committee also expressed an interest in having staff draft criteria to be used to prioritize PEO action on the items contained in the chart, based on risk assessment. It was suggested that risk assessment could be assisted by establishing a feedback mechanism for dialogue with different Ministries using "qualified persons" definitions for activities to determine if there were any quality issues or concerns.

Action: Staff to ask the Attorney General for advice on criteria for prioritizing the action for statutes and regulations contained in the Regulatory Conflict Log based on risk assessment, and to draft the criteria for discussion at the next meeting.

In the course of this review, some members expressed a desire that the Committee should consider drafting a model definition (akin to the "licenced engineering practitioner" which includes licence holders, limited licence holders and temporary licence holders) within the *Professional Engineers Act* itself to use as the link for external legislation. It was also suggested that PEO develop a policy on the rationale and use of "demand-side" legislation. While these issues were important, it was concluded that they are not pertinent for the current task, but could be discussed at a future date.

There was a suggestion to have an update on the Work Plan to reflect some of the completed tasks.

J. Zuccon also updated the Committee on the recent staff meeting with the Attorney General policy staff regarding the timing of Belanger-related Act changes.

3. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 2:20 p.m.

The next meeting is scheduled for Friday, January 6, 2017 at 11:00 a.m.