



Minutes

LEGISLATION COMMITTEE MEETING

Friday, December 4, 2015 - 1:00 p.m.

PEO Offices - Room 1C

Members:

Bob Dony, P. Eng. (Vice-Chair) *[from 11:00 a.m. to 11:50 a.m. and 1:55 p.m. to 2:15 p.m.]*

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

Bill Kossta

Ewald Kuczera, P. Eng.

Sharon Reid, C. Tech.

Regrets:

Roydon Fraser, P. Eng. (Chair)

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

Staff:

Josie D'Aluisio, Administrative Assistant

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

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

1. PROCEDURAL

1.1 Opening Remarks

In the absence of Chair R. Fraser, G. Comrie chaired the meeting.

Acting Chair Comrie called the meeting to order at 11:03 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: Bill Kossta Seconded by: Ewald Kuczera CARRIED

1.3 Approval of Minutes of November 6, 2015 Meeting

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

A motion was made to approve the Minutes of the November 6, 2015 meeting as written.

Moved by: Bill Kossta Seconded by: Ewald Kuczera CARRIED

1.4 Action Items Update from November 6, 2015 Meeting

The members were referred to the Actions Items Update document included in the agenda package. J. Max updated the Committee as follows.

2.1 Engineer of Record Motion

Staff met with the Registrar and it was decided that it was necessary to first review the previous policy analyses prepared for Council before launching a new stakeholder discussion. A briefing note on the Engineer of Record was prepared for the Committee and is attached for discussion in item 2.1 at today's meeting.

3.1 Future Act Changes

(a) Act Change Protocol

The updated version was circulated to Committee members and agreed to; following that it was added to the supplementary Council package, and the Act Change Protocol was approved unanimously at the November 20, 2015 Council meeting.

(b) Legislation Committee's Role in Policy

Staff have prepared a draft diagram of the Act Change process, as per the new protocol, which was reviewed by the Committee. It

was suggested that the diagram should orient from left to right. A request was made for a similar diagram for the Regulation-making process [this was added to the Legislation Committee SharePoint meeting folder during the lunch break].

Staff have reviewed the current Legislation Committee Terms of Reference and have drafted some analysis on how the three proposed roles could be addressed. This item is for discussion later in the meeting agenda.

(c) Admissions Appeal Process

Staff have conducted a thorough review of all Council motions passed since 2010 to search for direct or indirect references to Act changes, and have compiled a log which will be discussed later in the meeting agenda.

2. FOR DECISION

2.1 Engineer of Record Motion (PSC Review of Motion)

The members were referred to the document included in the agenda package. B. Ennis updated the Committee as follows.

The Committee was directed to major issues identified in the Briefing Note, specifically: (1) the work on this matter conducted by the Professional Standards Committee that found the concept unworkable; (2) the lack of justification provided with the original motions for implementing such a requirement in the regulations; and (3) a concern regarding lack of authority for practitioners that was contrary to the ethical and legal realities.

A motion was made that staff draft a Briefing Note for Council for the February 2016 meeting to rescind the Council motions on the Engineer of Record, and to present this Briefing Note at the January 8, 2016 Legislation Committee meeting for review.

Moved by: Bill Kossta

Seconded by: Sharon Reid

CARRIED

Action: Staff to prepare a draft Council Briefing Note recommending rescinding prior Council motions on the “Engineer of Record” for Legislation Committee review at its January 8, 2016 meeting.

2.2 Future Act Changes

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

a) Protocol - Legislation Committee Terms of Reference

J. Max reviewed the analysis document regarding the proposed policy roles for the Committee stemming from the Act Change Protocol, in comparison to the current Terms of Reference. After some discussion on each of the proposed roles, the Committee's consensus was that there was no need to amend its Term of Reference. It was felt that it was more important for the Secretariat and members of the Committee to ensure that all proposals for, or requiring, a change to the Act, Regulations or By-Laws be received by Council and referred to the Legislation Committee, and that this will require diligence.

b) Act Change Log

J. Max reviewed the process used to compile a log of all outstanding Council motions requiring an Act change, from 2010 onward (excluding those already proclaimed under the *Open for Business Act* (OFBA). They basically fall into four units:

- (a) OFBA changes that were pending proclamation [moving fees to by-laws, removal of the "industrial exception", provisional licence, and the exemptions from the (forthcoming) *Not for Profit Corporations Act*];
- (b) Complaints and Discipline Task Force recommendations (4 items);
- (c) Admissions Appeals Task Force (4 items); and
- (d) Belanger Report Recommendations (4 items).

The intent of the Log is to keep an updated list of pending items and to indicate their progress for the Legislation Committee's periodic review and Council's annual review. Future proposals will be recorded on a separate page as they have not yet been presented to Council for review and referral, but reflect changes that the Legislation Committee might consider. These include items gathered from comparative analysis with other Ontario profession regulators and other engineering associations, as well as staff proposals (for example, the six "housekeeping" items under consideration with the Belanger Recommendations).

While there was not sufficient time remaining on the agenda to review the items in detail, it was requested that staff add a column of “Responsible Body”, or equivalent, to indicate who had carriage of the detailed analysis, and to present the revised version at the next Legislation Committee meeting for prioritization and follow-up purposes.

Action: Staff to revise the “Unproclaimed Council Act Decisions 2010-2015” log by adding a column to indicate which Department or Committee has responsibility for completing the analysis and details for proclamation, and to present the revised version at the January 8, 2016 meeting.

3. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 2:15 p.m.

The next meeting is scheduled for Friday, January 8, 2016 at 11:00 a.m.