



Minutes

LEGISLATION COMMITTEE MEETING

Friday, July 14, 2017 - 10:00 a.m.

PEO Offices - Room 1C

Members:

David Brown, P. Eng. (President-Elect, Ex-Officio Member)

George Comrie, P. Eng.

Bob Dony, P. Eng. (President, Ex-Officio Member)

Lola Hidalgo, P. Eng.

Gary Houghton, P. Eng.

Qadira Jackson (Vice-Chair) *[from 11:00 a.m.]*

Staff:

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Nicole Waddell, Policy Research Assistant (summer student)

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

Guest:

Matthew Ng, P. Eng., Manager, Chapters

Regrets:

Christian Bellini, P. Eng. (Chair)

1. PROCEDURAL

1.1 Opening Remarks

In the absence of the Chair and Vice-Chair, B. Dony chaired the meeting. He called the meeting to order at 10:08 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: L. Hidalgo Seconded by: G. Comrie CARRIED

1.3 Approval of Minutes of June 9, 2017 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 June 9, 2017 meeting as written.

Moved by: G. Houghton Seconded by: L. Hidalgo CARRIED

1.4 Action Items from June 9, 2017 Meeting

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

Removal of Councilor for Breach of Council Policy (HRC Follow-Up)

Staff to forward the Legislation Committee's comments on the proposals to the HRC. [Completed]

J. Max reported that the Legislation Committee's comments were forwarded to the Human Resources Committee. The package proposal that the Human Resources Committee will present to Council will rescind old motions regarding Councilor removal at the same time as proposing new motions, so there will be no gap.

2017 Committee Chairs Workshop

Staff to send the three Legislation Committee challenges to PEO's Volunteer Management group for the Committee Chairs Workshop. [Completed]

J. Max reported that he sent the three Legislation Committee challenges to PEO's Volunteer Management Group.

Regulatory Conflict Protocol Priorities

Registrar to continue working to resolve regulatory conflicts, and report on these efforts to the Committee periodically. [Pending]

J. Max reported that staff are still working on and prioritizing regulatory conflicts and preparing responses for conflicting legislation currently up for consultation in the Regulatory Registry.

Provide an update on the Regulatory Conflict Log to Council at its September 2017 meeting. [Pending]

J. Max reported that PEO staff will be ready to provide an updated log in September 2017.

Legislation Committee Workplan 2017-2018

Staff will make the following changes to the draft Workplan for approval by the Legislation Committee in July 2017: separate Regulations in Item 1 into separate items; change the due dates in Items 6-8 as "ongoing"; and change the due date in Item 9 to September 2017. [Completed]

This item will be discussed as Item 3.1 on this meeting's agenda.

2. FOR DISCUSSION

2.1 Proposal for By-Law Changes (RCC) - Matthew Ng

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

M. Ng attended the meeting and presented by-law changes to be proposed by the Regional Councillors Committee. There is a conflict between PEO's By-Law No. 1 and the by-laws of the individual Chapters in regards to the rights afforded to EITs sitting on Chapter executives. Per By-Law No. 1, EITs can hold any position, but individual Chapter by-laws state that they can only hold non-signing

positions, and that the only officer open to them is that of secretary. The Regional Councillors Committee's intent is to change the PEO By-Law to preserve the intent of the Chapter by-laws. It is not their intent to limit all chapters to following the same rules but, instead, to remove conflicts between Chapter by-laws and PEO legislation.

M. Ng also discussed a list of changes that the Regional Councillors Committee would like to make to other sections of PEO's By-Laws. These included the addition of definitions for "Chapter's elections", "Chapter's by-laws" and "Chapter executive", replacing any instance of "Engineering Intern" with "EIT", allowing members to join alternate Chapters, and clear descriptions of Chapter boundaries (which are currently appended to Chapter by-laws).

The Regulatory Policy Protocol requires that policy intents for by-law changes be referred by Council to the Legislation Committee to determine legislative authority. The Committee members expressed their appreciation to the Regional Councillors Committee for the preliminary discussion opportunity today. No action by the Legislation Committee is required at this time.

2.2 Report on Meeting with Ministry of the Attorney General

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

J. Zuccon explained that the Ministry of the Attorney General had forwarded to PEO a recent letter from the Ontario Association of Architects to the Ministry of the Attorney General to oppose PEO-authored amendments intended to bring the *Architects Act* into alignment with some of the changes PEO is making to the *Professional Engineers Act*. The changes concern Sections 12(6) and (7), which cover the relationship between engineers and architects for certain building designs, and which currently excludes limited licence holders. This exclusion has become problematic since PEO amended the *Professional Engineers Act* in 2010 to allow independent practice within a Certificate of Authorization for limited licence holders. The Ministry of the Attorney General agreed that this housekeeping change could be made at the same time as the implementation of the Bélanger changes.

In its letter, the Ontario Association of Architects also objected to this change as it was not related to the Bélanger recommendations, and expressed their opinion that this issue should be dealt with separately. The Legislation Committee members suggested that the Ontario Association of Architects' rejection of these changes seems to be based on a misunderstanding that professional engineers and limited licence holders have different scopes of practice. PEO's Registrar has not decided on what actions to take with respect to

the Ontario Association of Architects' letter, and will be discussing this with the President.

The Legislation Committee also discussed PEO's efforts to be seen as a co-regulator by the Government. J. Max informed the Legislation Committee that PEO staff have requested that the Ministry of the Attorney General encourage other key Ministries to consult PEO at earlier stages in the policy process, instead of as a stakeholder entitled only to respond to fully-developed proposals.

J. Max also reported that the Ministry of the Attorney General has begun to draft the Bélanger Act changes, and has sent PEO a list of questions that are mostly related to housekeeping items. PEO staff will meet with the Ministry of the Attorney General in August 2017 to discuss this.

2.3 Regulation Changes - Council Term Limits

[Editorial: Q. Jackson took over as Chair of the meeting at 11:00 a.m.]

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

J. Max reviewed Council's deliberations on the proposed Regulation changes related to Councillor term limits at its June 27, 2017 meeting, which were sent to the Legislation Committee for discussion and drafting. The Legislation Committee discussed the recommendations, the timing of their implementation, and whether the term limits would be retroactive.

The Legislation Committee determined that, as there was no discussion of grandfathering at Council, Council's intent was for the term limits and hiatus to take effect when the Regulation does, and not be retroactive. It was also decided that the Legislation Committee would aim to have these changes implemented by July 1, 2018 to apply to the 2019 Council elections, and should indicate to the Ministry of the Attorney General that this Regulation was higher priority than the Academic Requirements and Examinations regulation package, and that the packages should be separate regulations.

A motion was made to submit Council's decision to the Ministry of the Attorney General for drafting, with a note from the Legislation Committee confirming that there is to be no grandfather clause for currently serving Councillors, and that the changes should be effective by July 1, 2018.

Moved by: B. Dony

Seconded by: D. Brown

CARRIED

Action: Staff to forward Council's proposed changes to the Ministry of the Attorney General for drafting, along with an indication that there is to be no grandfathering, and the expectation that the changes be implemented by July 1, 2018.

2.4 Regulation Changes - Academic Requirements

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

J. Max presented a draft of the presentation that he will be giving to the Licensing Committee on July 27, 2018 at its request. This presentation demonstrates how regulations are made, and reviews PEO's regulatory change process. He noted that the Ministry of the Attorney General had recently indicated, in response to the Academic Requirements and Examinations regulation package, that the Office of the Fairness Commissioner should be consulted, and that this requirement was now added to PEO's regulation-making process for items affecting registration. The presentation also included suggestions for speeding up the overall process, which included early consultation with the Legislation Committee, starting with the PRIA questions, problem definition (evidence), formulating clear policy intents and success measures, conducting stakeholder consultation including impacts, checking regulation-making authority, considering alternative approaches, implementation planning including transition, and providing quick feedback on draft Regulation changes.

3. FOR DECISION

3.1 Legislation Committee Workplan 2017-2018

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

J. Max presented the changes that staff had made to the Legislation Committee Workplan 2017-2018, as per the instructions of the Committee. A motion was made to accept the workplan as presented.

Moved by: G. Houghton Seconded by: L. Hidalgo CARRIED

Action: Staff to send updated workplan to Council for the September 27, 2017 meeting.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:57 a.m.

The next meeting is scheduled for Friday, August 11, 2017 from 10:00 a.m. to 1:00 p.m.