



Minutes

LEGISLATION COMMITTEE MEETING

Friday, March 9, 2018 - 10:00 a.m.

Members:

Christian Bellini, P. Eng. (Chair)
Qadira Jackson Kouakou (Vice-Chair) [*via teleconference*]
George Comrie, P. Eng.
Bob Dony, P. Eng. (President, Ex-Officio Member)
Lola Hidalgo, P.Eng. [*via teleconference - from 11:00 a.m.*]
Gary Houghton, P. Eng.

Staff:

Bernard Ennis, P. Eng., Director, Policy and Professional Affairs
Jordan Max, Policy Manager
Andrew Tapp, Policy Analyst
Johnny Zuccon, P. Eng., Interim Registrar, and Deputy Registrar, Tribunals and Regulatory Affairs

Regrets:

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

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 10:07 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 February 9, 2018 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 February 9, 2018 meeting as written.

Moved by: G. Comrie

Seconded by: G. Houghton

CARRIED

1.4 Action Items Update from February 9, 2018 Meeting

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

J. Max briefly reviewed the action items presented, as follows:

French Language Version of Regulation 941 - Special Council Meeting

Place the draft French language version of Regulation 941 from the Ministry of the Attorney General on the March 9, 2018 Legislation Committee meeting agenda. [Completed]

Staff reported this item to the Legislation Committee as completed (refer to March 9, 2018 meeting agenda, Item 2.1 - French Language Version of Regulation 941).

By-Law No. 1 - Follow-Up

Advise the Communications Department to prepare and publish By-Law No. 1, as amended, with historical notations of changes. [Completed]

Staff reported this item to the Legislation Committee as completed.

By-Law Amendment Protocol - Briefing Note

Send the By-Law Amendment Protocol to the Regional Councillors Committee, Finance Committee, Audit Committee and Executive Committee for peer review, pending consideration and/or development of an additional "consultation process". [Pending]

Staff reported the completion of this item pending on the discussion of member consultation on By-Law changes (refer to March 9, 2018 meeting agenda, Item 3.1 - By-Law Protocol - Member Consultation Policy).

By-Law Change Consultation Policy

Investigate the possibility of developing a By-Law change consultation policy that would be added to the By-Law Amendment Protocol before the protocol is sent for peer review (refer to Item 2.3), and report to the Committee at its next meeting. [Completed]

Staff reported this item to the Legislation Committee as completed (refer to March 9, 2018 meeting agenda, Item 3.1 - By-Law Protocol - Member Consultation Policy).

Legislation Committee 2017 Annual Report

Add a section on the 2017 development of the French language version of Regulation 941 to the Legislation Committee 2017 Annual Report and submit it to Volunteer Management. [Completed]

Staff reported this item to the Legislation Committee as completed.

2. FOR DECISION

2.1 French Language Version of Regulation 941

J. Max reviewed the Ministry of the Attorney General's French translation of Regulation 941, and the Briefing Note to approve it. He noted that the Ministry of the Attorney General was proposing to amend Regulation 941 by adding French terms for the licence, temporary licence and provisional licence seals and titles, as well as the title "consulting engineer" to Sections 52, 55, 59, 67 through 69 and 71. The Ministry of the Attorney General has also drafted a complete translation of Regulation 941 into French.

J. Max also reported that the Ministry of the Attorney General had just replied to PEO's concerns regarding the draft translation of "professional engineering relationship" in Section 72 (1), replacing it with the alternative phrase "relation dans le cadre de l'exercice de la profession d'ingenieur", which was reviewed by the Committee members, and felt to be a more accurate translation. The Committee also discussed concerns regarding the revision proposed by the Deputy Registrar, Regulatory Compliance, but felt that the potential

circumstances covered by that revision fell outside of a plain language meaning of “professional engineering relationship”.

Finally, the Briefing Note motion authorized the Ministry of the Attorney General to draft a future translation of O. Reg 260/08 (Performance Standards) the next time that Regulation was amended.

G. Comrie requested that the second motion “that Council approve authorizing” be changed to “that Council authorize”, and noted other minor typos that were immediately corrected. J. Zuccon also noted that, even though the current French translation of the Act and the pending translation of Regulation 941 did not mandate French language service by PEO staff, members may currently request certificates in French (French licences are already available, and a few have been issued) even without the French version of Regulation 941, and that staff were collecting information on what French language services were being offered informally by staff. He further noted that the Ontario Fairness Commissioner is also carrying out a survey on French services provision among regulatory bodies.

A motion was made to accept the Briefing Note and the accompanying French language draft of Regulation 941, as amended, and forward to Council for approval.

Moved by: G. Comrie Seconded by: B. Dony CARRIED

Action: Staff to instruct the Ministry of the Attorney General to include the new translation for “professional engineering relationship” in the sealed version, and forward the Briefing Note and accompanying sealed French language draft of Regulation 941 to Council for approval.

3. FOR DISCUSSION

3.1 By-Law Protocol - Member Consultation Policy

A. Tapp reviewed the research that he had conducted on how other regulators consult with their members regarding proposed By-Law changes, and outlined four possible models for implementing member consultation on By-Law changes at PEO: 1) to consult on every By-Law change; 2) to consult only on changes that require a membership confirmation vote; 3) to consult on major changes, even if they did not require a vote; and 4) to not consult at all.

G. Comrie suggested that the Legislation Committee should, when reviewing a By-Law change for Council, as per the By-Law Change Protocol, recommend to Council whether or not to pursue consultation (Council would then make the final decision). It was also suggested that By-Law change proponents could be asked to indicate if they believed that their change would require member consultation.

The Legislation Committee decided to modify the By-Law Change Protocol to include a section directing the Legislation Committee to make a recommendation on prior member consultation as part of the By-Law change process, and to bring it back to the next Committee at its next meeting.

Action: Staff to modify the By-Law Change Protocol to include a section directing the Legislation Committee to make a recommendation on prior member consultation as part of the By-Law change process, and bring it back to the Committee at its next meeting.

3.2 Council Vacancy - Follow-Up

J. Max stated that two recent vacancies in Council triggered an investigation into what had happened to the Council motions proposed by the Human Resources Committee on filling a Councillor vacancy since they were last reviewed by the Legislation Committee in 2013. Council passed this policy in March 2013 and, as part of the motion, asked the Legislation Committee to review whether this policy should become enshrined in By-Laws or Regulation.

In July 2013, the Legislation Committee recommended that the original motions be rescinded as they believed that they conflicted with Section 3(11) of the *Professional Engineers Act*, which already covered filling vacancies. The two points of contention were that the motions: 1) in some cases called for an election when Council only had the power to appoint; and 2) the Act specified that appointments would be made “as soon as practicable”, while the motion stated that no replacement Councillor would be appointed if the remaining portion of the vacating Councillor’s term of office was under six months.

G. Comrie disagreed with these arguments, stating that the motion’s use of elections did not infringe upon Council’s ability to appoint whomever was desired notwithstanding the policy, and that appointing a replacement Councillor for any term of less than six months would not be practicable. The Legislation Committee decided to leave the motion as it was for the present time, and is waiting for the Human Resources Committee to propose to Council that the original motion be rescinded.

4. FOR INFORMATION

4.1 Regulatory Conflicts - Change Letter Dashboard

J. Max reviewed the progress staff had made towards resolving conflicts between the *Professional Engineers Act* and other Ontario Acts and Regulations through identifying relevant change opportunities (new Bills, consultation requests, etc.), and contacting the responsible Ministries with PEO's concerns. The information will be part of the Legislation Committee's annual report. The Committee members recommended that PEO reissue these letters to the government if it changes as of the June provincial election.

It was also recommended that the Legislation Committee discuss priority-setting criteria for a more proactive approach to government Ministries seeking reductions in regulatory conflicts with the *Professional Engineers Act*.

5. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:45 a.m.

The next meeting is scheduled for Friday, April 13, 2018, from 10:00 a.m. to 1:00 p.m.