



Minutes

LEGISLATION COMMITTEE MEETING

Friday, May 24, 2019 - 1:00 p.m.

PEO Offices - Room 1C

Members:

Lisa MacCumber, P. Eng. (Chair)

Leila Notash, P. Eng. (Vice-Chair)

Sandra Ausma, P. Eng. [*via teleconference - until 2:53 p.m.*]

Gary Houghton, P. Eng.

Arthur Sinclair, P. Eng.

Staff:

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

Jordan Max, Manager, Policy

Rochelle Pereira-Alvares, Policy Research Analyst

Andrew Tapp, Policy Analyst

Regrets:

Nancy Hill, P. Eng. (President, Ex-Officio Member)

Marisa Sterling, P. Eng. (President-Elect, Ex-Officio Member)

1. PROCEDURAL

1.1 Introduction

J. Max called the meeting to order at 1:09 p.m. and welcomed everyone. All attending members and staff introduced themselves.

1.2 Appointment of Acting Chair

J. Max was appointed Acting Chair for the first part of the meeting to lead the orientation session.

1.3 Acting Chair's Remarks and Orientation for New Members

J. Max delivered an orientation covering the Legislation Committee's Terms of Reference, how Bills in Ontario become law, the Act Change Protocol and Process, an introduction to the Act Change Log, the Regulation Change Protocol and Process, a summary of upcoming Regulation changes, an introduction to the Regulatory Conflict Protocol and log, and an overview of the By-Law Change Protocol.

L. MacCumber expressed concern that other Committees were not taking the initiative in procuring legal opinions. B. Ennis replied that staff could coordinate the procurement of legal opinions, which would help avoid duplication.

A. Sinclair asked if it would be possible for an outside party to modify the *Professional Engineers Act* or its associated Regulations. B. Ennis replied that, although it would be possible for the government to modify the Act, or even replace it (as the government did in 1984), there were no mechanisms currently available that would let a third party modify regulations associated with the Act.

Additionally, A. Sinclair, during a discussion on the Regulatory Conflict Protocol, suggested that PEO could produce a document for distribution to Ministries and other regulatory partners detailing the language that Acts and Regulations should use when referencing professional engineers.

Action: Staff will develop a guide for Ministries and regulatory partners detailing the language that should be used when referencing professional engineers.

1.4 Appointment of Chair and Vice-Chair

G. Houghton nominated L. MacCumber as Chair, and the nomination was seconded by A. Sinclair. All were in favour, and the motion was carried.

L. Notash nominated herself for Vice-Chair, and the nomination was seconded by G. Houghton. All were in favour, and the motion was carried.

The Chair and Vice-Chair being chosen, the Chair moved the meeting to Item 1.5 - Approval of Agenda.

1.5 Review of Confirmed Minutes of April 5, 2019 Meeting

PEO staff confirmed that the previous Legislation Committee had approved the Minutes of the April 5, 2019 meeting by e-mail.

A motion was made to accept the Minutes as written.

Moved by: A. Sinclair Seconded by: G. Houghton CARRIED

1.6 Action Items Update from April 5, 2019 Meeting

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

2018-2019 Legislation Committee Work Plan Evaluation

Submit the 2018-2019 Legislation Committee Work Plan Evaluation to the People Development Department. [Completed]

J. Max reported this item as completed.

Add the 2019-2020 Work Plan (once approved) as a standing information item on every Legislation Committee meeting agenda. [Completed]

J. Max reported this item as completed.

Regulation Change Proposal Timing

Deliver the Regulation changes related to provisional licence and the two academic Regulation changes marked by the Committee as “medium” priority to the Ministry of the Attorney General for drafting, and to deliver the housekeeping amendments to Council for approval before being sent to the Ministry of the Attorney General for drafting (possibly in the same package as the other Regulation changes). [Completed]

J. Max reported this item as completed.

2. FOR DECISION

2.1 Monthly Meeting Schedule for Committee Year 2019-2020

The Committee discussed possible future meeting dates and agreed that a meeting could not be held in June 2019. The Committee agreed to meet again at

the end of July 2019, with the meeting date being tentatively scheduled for July 26, 2019.

Action: L. MacCumber to forward her work schedule to staff.

Action: L. Notash to forward Academic Requirements Committee meeting dates to staff.

Action: Staff to prepare a draft meeting schedule for the 2019-2020 Committee year for the next meeting.

Action: Staff to schedule next meeting for July 26, 2019.

2.2 Additional Fees to be Added to By-Law No. 1

The Committee discussed a Council Briefing Note that will add multiple fees to By-Law No. 1. In March 2019, Council voted to increase all fees listed in Section 39 of By-Law No. 1. At that time, two fees were added into Section 39 that were collected by PEO, but not listed in the By-Law. During the preparation period for the May 1, 2019 fee increase, staff noted eight more fees currently collected by PEO and increased by approximately 20 percent, but not listed in the By-Law. This Briefing Note will allow the Committee to bring this to the attention of Council in June 2019 and let Council decide if these fees should be added to Section 39 of By-Law No. 1.

A motion was made to send the Briefing Note to Council for the June 2019 Council meeting, but to amend the Briefing Note to change the motion from one that required a two-third majority to pass to a motion that only required a simple majority, and to add links to the current version of the PEO Fee Schedule to the Briefing Note.

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

Action: Staff to amend the Briefing Note, as directed, and submit it to Council for the June 2019 meeting.

As a follow-up, A. Sinclair asked why PEO only had one By-Law rather than multiple By-Laws, each dealing with a different aspect of governance, and L. MacCumber asked if this issue should be discussed at the next Legislation Committee meeting. The Committee directed staff to research best practices in By-Law organization and the practices of other regulators in this regard, and to present their findings for discussion at the next meeting.

Action: Staff to research best practices in By-Law organization and the practices of other regulators in this regard, and to present their findings for discussion at the next meeting.

3. FOR DISCUSSION

3.1 Change Letters for O. Reg. 570/05 and O. Reg. 215/05

On April 26, 2019, PEO sent two letters to the Ministry of Government and Consumer Services in response to the Ministry's plan to update O. Reg. 570/05 - Licensing of Electrical Contractors and Master Electricians, and O. Reg. 215/01 - Fuel Industry Certificates. Conflicts exist between these regulations and the *Professional Engineers Act*, and PEO asked the Ministry to introduce changes in addition to the ones the Ministry had planned so that the regulations would no longer conflict with the Act. These letters were included in the Legislation Committee meeting agenda package, but were not discussed at the meeting.

3.1 Legislation Committee Work Plan

The Committee reviewed the 2018-2019 Work Plan. In the Tasks, Outcomes and Success Measures section, they identified a need to offer an orientation on the Legislation Committee's mandate to all statutory committees (Discipline Committee, Complaints Committee, Academic Requirements Committee, Experience Requirements Committee, and Registration Committee), and to add any Regulation changes arising from the External Review and the Radiohead Coroner's Inquest recommendations, as well as the By-Law Restructuring, to the Tasks list, and for staff to present the updated draft Work Plan at the next meeting.

Action: Staff to draft a Work Plan for 2019-2020, with the above additions, and to present it at the next meeting.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 3:45 p.m.

The next meeting is scheduled for Friday, July 26, 2019, from 11:00 a.m. to 2:00 p.m.