



Minutes

LEGISLATION COMMITTEE MEETING

Friday, November 23, 2018 - 10:00 a.m.

PEO Offices - Room 1C

Members:

Gary Houghton, P. Eng. (Chair)

Lisa MacCumber, P. Eng. (Vice-Chair)

Nancy Hill, P. Eng. (President-Elect, Ex-Officio Member) *[via teleconference]*

Lola Hidalgo, P. Eng. *[via teleconference]*

Gregory Wowchuk, P. Eng.

Staff:

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

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Regrets:

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

Thomas Chong, P. Eng.

1. PROCEDURAL

1.1 Introduction

The Chair called the meeting to order at 10:00 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: G. Wowchuk Seconded by: L. MacCumber CARRIED

1.3 Approval of Minutes of October 19, 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 as written.

Moved by: L. MacCumber Seconded by: G. Wowchuk CARRIED

1.4 Action Items Update from October 19, 2018 Meeting

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

Regional Councillors Committee By-Law Proposal

After receiving the Regional Councillors Committee's responses to staff's questions, staff will instruct legal counsel to draft By-Law changes to address the issues brought forward by the Regional Councillors Committee.
[Pending comments from Regional Councillors Committee]

J. Max reported that this will be discussed at Item 3.3 later this meeting.

Prepare a Briefing Note for the Legislation Committee to fix Section 32.1 of Regulation 941 to remove any improper sub-delegation to Chapter By-Laws
[Pending comments from Regional Councillors Committee]

J. Max reported that this will be discussed at Item 3.3 later this meeting.

By-Law Change Protocol

Modify the By-Law Change Protocol so it can be used to create new By-Laws, if required. [Completed]

J. Max noted this item as complete.

2. FOR DECISION

2.1 Legislation Committee Membership on Licensing Committee

The Legislation Committee discussed which of its members would be best able to represent the Committee at Licensing Committee meetings, and serve as the Legislation Committee representative on the Licensing Committee. L. Hidalgo is already on the Licensing Committee, but argued that she would not be an ideal liaison as her time with PEO Council is coming to an end. G. Wowchuk volunteered to become the new Legislation Committee representative on the Licensing Committee, and this was acceptable to the Committee.

3. FOR DISCUSSION

3.1 Licensing Committee Academic Appeal Proposal (Revised)

J. Max led the Committee in a discussion of the Licensing Committee's academic appeal proposal. The Committee concluded that the legislation, as written, did not support this type of appeal, and that a legal review might be necessary. They also agreed that the upcoming external review had a high probability of impacting the same area as the appeal proposal, and so moved to recommend that the Licensing Committee delay moving forward with the proposal until after the external review.

The Legislation Committee moved to recommend that the Licensing Committee defer further action on the academic appeal proposal until after the external regulatory performance review is completed.

Moved by: N. Hill

Seconded by: L. Hidalgo

CARRIED

Action: Staff will inform the Licensing Committee of this recommendation, and advise the Licensing Committee to not bring this proposal before Council in February 2019.

3.2 Regulation Amendments

(a) Council Term Limits - Vice President - Legal Opinion

J. Max led the Committee in a discussion of the Council Term Limits legislation as it applied to the Vice-President, noting that the Regulation did not state whether or not an individual who has served as an elected Vice-President, a position which can only be filled by the same individual once every ten years, could be *appointed* a Vice-President before the ten-year

term limit had expired. The Council Term Limits Task Force has since been stood down so they cannot be queried regarding their intentions. The Legislation Committee recommends amending the Regulation in order to remove ambiguity, however, it cannot draft wording for the amendments as it is not a policy committee. The Legislation Committee decided that the proper body to deal with this issue would be the Succession Planning Task Force.

A motion was made to instruct staff to prepare a list of pros and cons relating to the question of whether an individual can serve as both an elected Vice-President and an appointed Vice-President in a ten-year period, or whether they can only be elected *or* appointed, and to send this question to the Succession Planning Task Force for resolution.

Moved by: N. Hill Seconded by: L. Hidalgo CARRIED

Action: Staff to prepare a list of pros and cons relating to the question of whether an individual can serve as both an elected Vice-President and an appointed Vice-President in a ten-year period, or whether they can only be elected *or* appointed, and send it to the Succession Planning Task Force for resolution.

3.2 (b) Provisional Licence

J. Max led the Committee in a discussion of the ongoing efforts to update the sections of the *Professional Engineers Act* concerning the provisional licence. Once Section 14(7) of the Act is repealed, Section 18(1) becomes the controlling provision. This might be a concern since Section 18(1) states that a provisional licence will be issued once an applicant applies for it, but this type of licence is not applied for, and is only issued by the Registrar once an applicant for a standard P. Eng. licence fulfills all the requirements of that licence, except for those regarding work experience. The Ministry of the Attorney General does not see this a problem, but the Legislation Committee decided this was an issue that needed to be addressed. Section 18(1) of the Act states that licences must be applied for “in accordance with the regulations”, and G. Houghton suggested that Section 14(7) of the Act be repealed and Section 44.1 of the Regulation be amended to specify what and what does not qualify as an application. In addition to this, it was decided that Section 18(1) be added to a list of potential Act changes to be made the next time there was an Act change opportunity.

Action: Staff to draft a Briefing Note calling for Section 44.1 of Regulation 941 to be amended so that it clarifies what and what does not constitute an application, along with changing “may issue” to “shall issue”, for review by the Committee in January 2019 and Council in February 2019.

Action: Staff to add amending Section 18(1) to a list of potential Act changes.

3.3 Regional Councillors Committee By-Law Changes

J. Max presented the answers to the questions that the Legislation Committee had posed to the Regional Councillors Committee after the Legislation Committee’s meeting on September 28, 2018. Staff had received a response from the Regional Councillors Committee on November 13, 2018, and made modifications to their initial analysis based on the comments received.

The Regional Councillors Committee clarified that they would like EIT members of Chapters to be able to serve on any executive position in their Chapter. J. Max explained to the Committee that this may present an issue; according to Section 8(2)(iv) of By-Law No. 1, executive officers of a Chapter can enter into a contract on behalf of PEO and, if EITs were permitted to take on executive roles, this would mean that PEO would be represented by individuals who were not members of the Association. While this is permissible under By-Law No. 1 as written, the Regional Councillors Committee may want to consider if this is a situation that should be permitted to continue.

The Regional Councillors Committee had also clarified that members who chose an alternate Chapter would be choosing a *replacement* Chapter, not an *additional* Chapter. The Regional Councillors Committee has decided that they will bring this issue to Council in a separate Briefing Note on changing Chapter membership, and policy staff provided a list of questions to the Regional Councillors Committee that they believe should be covered by that note.

L. MacCumber brought the Legislation Committee’s attention to a new issue that the Regional Councillors Committee had included in their response; there is not currently any mechanism that ensures Chapters are accountable to PEO. L. MacCumber stated that there were several possible solutions, such as making Chapters into subcommittees of Council or making business plans more prescriptive, but that this was a problem that needed to be solved. L. Hidalgo agreed that this lack of Chapter accountability needed to be addressed, and the Committee asked staff to research this issue and possible solutions.

Action: Staff to send an e-mail to the Regional Councillors Committee staff support, detailing the Legislation Committee's response to their answers, and seeking further clarification on EITs having signing authority and alternate Chapters.

Action: Staff to investigate the issue of Chapter accountability to PEO, and present it to the Legislation Committee.

3.4 Comprehensive Economic Trade Agreement (CETA)

G. Houghton brought to the Committee's attention the Comprehensive Economic Trade Agreement's (CETA) new purchasing policy for municipalities, which mandates a minimum 45-day bidding period as opposed to the previous three-week bidding period, and provides opportunities for firms from the European Union to bid on projects on an equal basis. G. Houghton asked if this would affect PEO's ability to regulate. B. Ennis responded that PEO members have always had to comply with local regulations and that it would not change PEO's processes. L. Hidalgo asked if this new policy might be disruptive to the regulation of engineering in Ontario, and B. Ennis stated that any overseas bidders would still need to acquire an Ontario Certificate of Authorization, and that any individual engineers would need either a temporary licence or a local collaborator.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:24 p.m.

The next meeting is scheduled for Friday, January 11, 2019, from 10:00 a.m. to 1:00 p.m.