



Minutes

LEGISLATION COMMITTEE MEETING

Friday, November 4, 2016 - 11:00 a.m.

PEO Offices - Room 1B

Members:

Ewald Kuczera, P. Eng. (Chair)

Christian Bellini, P. Eng.

George Comrie, P. Eng. (President, Ex-Officio Member) *[via teleconference]*

Roydon Fraser, P. Eng. [until 1:00pm]

Gary Houghton, P. Eng.

Staff:

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

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

Regrets:

Bob Dony, P. Eng. (Vice-Chair/President-Elect, Ex-Officio Member)

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 11:11 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. The Chair requested that "Filling a Vacancy" be added, which was agreed to.

A motion was made to approve the agenda, as amended.

Moved by: C. Bellini Seconded by: G. Houghton CARRIED

1.3 Approval of Minutes of October 14, 2016 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 October 14, 2016 meeting as written.

Moved by: G. Comrie Seconded by: C. Bellini CARRIED

1.4 Action Items Update from October 14, 2016 Meeting

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

Reports Requirements of O. Reg. 63/16

Discuss next steps with the Registrar, and report back to the Committee at the next meeting. [Pending]

J. Max reported that staff were still discussing this issue, particularly, the water discharge plan requirements and whether they were exclusive to the practice of professional engineering. He has contacted the Association of Professional Geoscientists to see if they have similar concerns, and is awaiting their feedback.

"References to Engineers and Engineering in Other Ontario Statutes" Table

Review the References table and prioritize based on the level of regulatory conflict, and report back to the Committee at the next meeting. [Completed]

J. Max reported that the table was completed and included in the package for discussion at Item 2.1 at today's meeting.

Status Report - Implementation of 2016-2017 Work Plan

Forward the revised 2016-2017 Legislation Committee Work Plan to the Secretariat for inclusion in the November 2016 Council package for approval. [Completed]

J. Max reported that the revised Work Plan was submitted and will be included in the November 2016 Council package.

Moving of Fees from Regulation to By-Laws

Engage outside legal counsel to draft the By-Law changes for future review by the Legislation Committee prior to submitting to Council for approval and to the Attorney General to commence drafting the necessary Regulation changes. [Pending]

Work with the Attorney General to determine sequencing of approvals and effective dates for implementation. [Completed]

J. Zuccon reported that he had alerted Richard Steinecke of the request for his services with the fees to by-law project. It will include a request for how Council is to apply Sections 8(2) and (3) in respect of making the By-Law effective. This is particularly pertinent to establishing the necessary timing and sequencing for the necessary Regulation changes and the proclamation of the Act amendments required to provide the authority for moving the fees from Regulations to By-Laws. In discussion with staff at the Attorney General's Office, they asked that PEO share the draft By-Law so that they could work on the necessary Regulation changes. In addition, they noted that, if PEO Council was going to invoke the membership confirmation approval for By-Law changes, the amendment to Section 8(3) would likely need to occur first. The timing of the By-Law, Act proclamations for Sections 7(1)25 and 8(1)16, and the Regulation change can happen simultaneously and sooner.

Complaints Committee Memo re Act Changes Arising from the Complaints and Discipline Task Force Final Report - 2011

Draft a memo from the Chair of the Legislation Committee to the Chair of the complaints Committee to request further evidence for its proposal for changes to Section 28 of the Act, and to copy the Chair of the Discipline Committee to see if the Discipline Committee agreed with the proposal. [Completed]

Draft a memo for the Chair of the Legislation Committee to formally request the Chair of the Complaints Committee to draft a Briefing Note to Council to rescind the three original Council motions from 2011. [Completed]

J. Max reported that one memo was drafted to address both action items, was approved by the Chair, and sent to the Chair of the Complaints Committee, with a copy to the Discipline Committee.

2. FOR DISCUSSION

2.1 Assessment of Regulatory Conflict with Ontario Legislation Using “Engineer” or “Engineering”

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

J. Zuccon reminded the members that the overall objective for the legislative review was to establish a set of protocols (Legislation Committee to recommend these for PEO Council approval) that would assist PEO in determining what, if any, action would be taken on each and any of the identified actual conflicts. The protocols would also help to deal with any future conflicts that come to light. The first step is to agree on a definition of the types of regulatory conflicts and how adept they are to handle the current list of conflicts. He suggested that the members utilize the draft categories to filter the different pieces of legislation into one or more of the categories.

J. Max presented the document containing the three categories (Regulatory Conflict, Alignment and Guidance) that were approved by the Committee in June 2013. He presented an additional category, Regulatory Overlap, between Conflict and Alignment, to deal with situations where there are qualified persons other than professional engineers named in the Act or Regulation, and in which a determination would need to be made whether the activity was exclusive to engineering or, if not, whether an engineer’s seal was required on that required work. He also noted that there is a fifth category, that of No Conflict, in which no further action need be taken.

The Committee wished to better understand and test out the five categories by reviewing the table, and began working through the first 22 items, which were revised as required. As there was not sufficient time remaining, staff were requested to complete the categorization of the table contents and present them at the next meeting. They were also requested to propose some possible actions for each category.

Action: Staff to complete the categorization of the Reference Table and draft possible actions for each category for review at the next meeting.

2.2 Filling A Vacancy

J. Zuccon noted that PEO was recently informed that a new LGA replacement for B. Kossta had been assigned to PEO’s Council resulting, in a vacancy. He noted that the Terms of Reference specify that the Legislation Committee is a Board

committee comprised of seven members: five PEO Councillors and two Ex-Officio appointed each year. The quorum is three of the five non-Ex-Officio.

After some discussion, the Committee members expressed an interest in seeking a replacement LGA Councillor for the remainder of the Council year. It was further decided that G. Comrie would ask the Human Resources Committee to propose to Council that a replacement be appointed by Council at its November 2016 meeting, and that he would also send an e-mail to all LGA Councillors, asking for expressions of interest in being appointed to the Legislation Committee.

A motion was made to request the Human Resources Committee to request Council to appoint a replacement LGA Councillor to the Legislation Committee for the remainder of the Council year.

Moved by: G. Comrie Seconded by: C. Bellini CARRIED

As a following point, it was suggested and agreed that a letter be sent by the Chair on behalf of all of the Committee members to B. Kossta and, as well, one be drafted to former member S. Reid, to thank them for their work, time and dedication.

Action: Staff to draft a letter of appreciation to former members B. Kossta and S. Reid for their time and commitment to the Legislation Committee, to be sent to the Chair for signature, on behalf of the Committee members.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 1:51 p.m.

The next meeting is scheduled for Friday, December 2, 2016 at 11:00 a.m.