



Minutes

LEGISLATION COMMITTEE MEETING

Friday, October 13, 2017 - 10:00 a.m.

PEO Offices - Room 1C

Members:

Christian Bellini, P. Eng. (Chair)

Qadira Jackson Kouakou (Vice-Chair) *[via teleconference]*

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

George Comrie, P. Eng.

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

Staff:

Gerard McDonald, P. Eng., Registrar

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

Andrew Tapp, Policy Analyst

Regrets:

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

Gary Houghton, P. Eng.

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 10:14 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: D. Brown

Seconded by: G. Comrie

CARRIED

1.3 Approval of Minutes of September 8, 2017 Meeting

C. Bellini commented that, during the meeting between J. Zucco, G. McDonald and the Ministry of the Attorney General summarized in the Minutes of the September 8, 2017 meeting, the Ministry of the Attorney General expressed concerns over PEO's response to Bélanger Recommendation 1.25, which mandates that engineers disclose disciplinary actions to past clients. The Minutes were amended to reflect this.

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

Moved by: G. Comrie

Seconded by: D. Brown

CARRIED

1.4 Action Items Update from September 8, 2017 Meeting

C. Bellini briefly reviewed the action items presented in the agenda.

Regulating Changes - Council Term Limits

Staff to prepare the Preliminary Regulatory Impact Assessment (PRIA) document to support the Regulation changes for Council Term Limits and present it to the Legislation Committee at its next meeting. [Completed]

Staff reported this item as completed to the Legislation Committee.

Legislation Committee Workplan 2017-2018

Staff to update the Regulatory Conflict Log on the PEO website. [Completed]

Staff reported this item as completed to the Legislation Committee.

By-Law Changes - Proclamation

Staff to forward the revised Briefing Note to the Secretariat to include in the September 2017 Council meeting agenda package. [Completed]

Staff reported this item as completed to the Legislation Committee.

Regulation Changes - Academic/Exams

- (1) **Staff to follow up with the Ontario Fairness Commissioner's staff regarding the Academic/Examination regulation proposed changes.**
[Completed]

Staff reported this item as completed to the Legislation Committee.

- (2) **Staff to draft the PRIA document to send to the Licensing Committee for review and comments prior to it coming to the Legislation Committee for approval.** [Pending]

Staff reported this item as pending to the Legislation Committee.

Regulation Changes - Removal of Councillor

Staff to remove the "Removal of a Councillor" item from the Act and Regulation Changes Proposal log once Council has rescinded the motions.
[Pending Council action]

This item is now in the purview of the Human Resources Committee and Council, and was removed from the Legislation Committee's action items.

Action: Staff to remove "Regulation Changes - Removal of Councillor" from the Legislation Committee's action item list.

2. FOR DISCUSSION

2.1 Council Term Limits Regulation

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

- (a) Draft PRIA Document

Andrew Tapp guided the Legislation Committee through the draft PRIA document for the Council Term Limits Regulation changes. The paragraph on the impacts of the Council Term Limits Regulation on the government was removed as it was deemed to be inaccurate (the Regulation changes will NOT enforce term limits for Lieutenant-Governor-Appointed Council members).

Action: Staff to remove the paragraph under “Governments” in Section 3 of the PRIA document and replace it with “governments will not be affected”. Staff will submit the PRIA document to the Ministry of the Attorney General.

(b) Draft Regulation Changes

J. Zuccon led the Committee in a review of the draft Council Term Limits Regulations that PEO had received from the Ministry of the Attorney General. The following changes/corrections were suggested by the Committee:

- That “eligible for election”, in the sections in which it appears, should be replaced with the phrase “eligible to serve”.
- PEO may need to clarify that a “year” in the draft Regulation is a Council year, and not a calendar year.
- In Section 2.1(1)3, do not include (c) in the list of appointees defined as “general members” of Council, as LGA non-P.Engs. are not eligible to stand for election and are outside the scope for these Regulations.
- Section 2.1(3) should apply only to Lieutenant-Governor-Appointed P.Engs.
- “Past President” should be removed from Section 3(4); if a person is unable to serve their time in one of the three presidential positions after being elected President-Elect, they are still unable to stand for this election a second time. Similarly, they will be unable to serve on Council until the six-year hiatus has passed.
- The Legislation Committee questions the need for Sections 2(4) and 3(6).
- The Legislation Committee agreed that these Regulations should come into force on May 1, 2018.

These changes have also been noted on the draft Regulation itself.

Action: Staff to implement the above suggestions in the draft Regulations, and circulate the final changes to the Legislation Committee before sending them to the Ministry of the Attorney General for redrafting.

2.2 By-Law Changes - Regional Councillors Committee (RCC)

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

J. Zuccon reviewed the history of this request and noted that the Legislation Committee's issue was to deal with Section 5 of By-Law No. 1, which had been identified as the chief impediment to enacting the RCC's policy goals. The Legislation Committee decided that Section 5 should be removed from the By-Law, and that all references to "EIT" in By-Law No. 1 be changed to "Engineering Intern".

Action: Staff to draft the changes to By-Law No. 1 and circulate for Legislation Committee approval before drafting a Briefing Note for the November 2017 Council meeting.

The Legislation Committee also discussed the "nice to have" items that the RCC included in their Briefing Note. The first two items on the list require regulatory changes, and could not be addressed in the By-Laws. The third item, the selection of an alternate home chapter, raised several questions and it was decided that they required more information on the RCC's policy intent on this issue. The fourth item, chapter boundaries, is also a regulatory issue, and the last item, references to the Registrar in the By-Laws that the RCC desired to see changed to other staff members, does not seem to require change as referencing the Registrar as a stand-in for all employees of the organization is normal in legislation. A summary of these discussions will be sent to the RCC.

Action: Staff to forward a summary of the Legislation Committee's discussion on the RCC's "nice to have" items to the RCC for clarification and input.

2.3 Central Election and Search Committee (CESC) Regulation Changes Proposal

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

G. Comrie presented a draft proposal from the CESC calling for the restoration of the experience requirements for PEO Council Vice-President and President that had existed prior to March 2007. When the experience requirements were in place, Presidents were required to have served two years on Council prior to assuming their position, and Vice-Presidents were required to have served one year. According to G. Comrie, these requirements had been removed via floor motion during a discussion regarding the report of a Task Force on Election Reform. Removing these requirements was not a recommendation of the Task Force, and discussion of this issue was limited. The CESC would like the Legislation Committee to review their proposal.

It was decided that the proposal would be reviewed in accordance with the Regulation Change Protocol. Staff will review the proposal and identify any Regulations/Acts that would be affected, check if PEO has the authority to implement this proposal, and identify the scope of the Regulation change. Staff are to report to the Legislation Committee, who will review the information before transmitting it to the CESC. The CESC will be responsible for preparing the Briefing Note for this proposal and presenting it to Council.

Action: Staff to review the CESC proposal per the Regulation Change Protocol, and report back to the Legislation Committee.

3. FOR INFORMATION

3.1 Academic and Examinations Regulation

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

The Legislation Committee reviewed the Fairness Commissioner's response to PEO's proposed changes to the Academic and Examinations Regulation. The Fairness Commissioner was generally supportive of the regulatory changes, although expressed some concerns with PEO's proposed time limits on open files (applications that had remained incomplete for 8 years would be closed). They recommended that PEO send out a notification to those whose files would be closed, and to develop a transition plan. Staff were instructed to proceed with the PRIA for these Regulation changes.

Action: Staff to complete a PRIA for the Academic and Examinations regulatory changes and present it to the Legislation Committee at the November 2017 meeting.

3.2 Act Changes

(a) Report on Council Discussion - Proclamation of By-Law Power for Fees

J. Zuccon reported that staff at the Ministry of the Attorney General has informed that the preferred manner to proceed on this item is for PEO Council to pass the By-Law amendments pursuant to Section 10 of the *Legislation Act*, which permits the exercising of an authority that has had Royal Assent, but has not as yet been proclaimed into force. In this manner, PEO Council can approve the fees into By-law No. 1 and, once the various changes to Regulations and the proclamation of the authority is obtained, the By-Law comes into force. The Legislation Committee agreed that it will recommend this approach to Council.

[Editor's Note: For completeness, the following excerpt from the Legislation Act is included:]

[10 (1) A power conferred by an Act to make regulations or appointments or do any other thing may be exercised at any time after Royal Assent even if the Act is not yet in force. 2006, c. 21, Sched. F, s. 10 (1).

Same

(2) Until the Act comes into force, the exercise of a power in accordance with subsection (1) has no effect except as may be necessary to make the Act effective when it comes into force.]

J. Zuccon also relayed the government's desire to produce a French copy of PEO's Regulations and mentioned that, doing so, would require Council approval. The Legislation Committee was supportive of this request and directed staff to prepare a Briefing Note regarding this for Council in November 2017. It was also recommended that this issue be separated from the Term Limit Regulation approval also being sought in November 2017, as the Legislation Committee did not want to slow the approval down and needs to ask Council to agree to a French translation before submitting one for their approval.

Action: Staff to prepare a Briefing Note on authorizing the Ministry of the Attorney General to draft a French translation of the Regulations for Council November 2017 meeting.

(b) Report on President's Meeting with Minister

G. McDonald noted that the Briefing Note that was produced for the meeting was circulated to PEO Council, and he had reported on the meeting in the Registrar's Report. In brief, the topics of discussion included Lieutenant-Governor appointments, the status of changes to the *Professional Engineers Act*, the inclusion of limited licences in Section 12 of the *Professional Engineers Act*, and PEO's Queen's Park MPP Day (coincident with PEO's 95th anniversary). The Minister also indicated that the Elliot Lake Act changes would be coming soon; they are counting on passing them this Fall, ahead of the election in June 2018. The discussion also touched upon the Ontario Architect's Association opposition to our housekeeping Act change regarding limited licences, a tool that the government has supported since it was introduced with the *Open for Business Act* in 2010. The Minister indicated that they will consider this

issue, but cannot say if they will be able to act due to the upcoming election.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:31 p.m.

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