



Minutes

LEGISLATION COMMITTEE MEETING

Friday, September 28, 2018 - 10:00 a.m.

[Meeting held via teleconference]

Members:

Gary Houghton, P. Eng. (Chair)
Lisa MacCumber, P. Eng. (Vice-Chair)
Lola Hidalgo, P. Eng. [from 11:07 a.m.]
Nancy Hill, P.Eng. (President-Elect, Ex-Officio Member)
Gregory Wowchuk, P. Eng.

Staff:

Bernard Ennis, P. Eng., Director, Policy and Professional Affairs
Jordan Max, Manager, Policy
Johnny Zuccon, P. Eng. [from 10:40 a.m.]

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 10:01 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 July 27, 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 July 27, 2018 meeting as written.

[N. Hill assumed the role of Chair so that G. Houghton could second the motion]

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

[G. Houghton resumed the role of Chair]

1.4 Action Items Update from July 27, 2018 Meeting

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

Regulation 941 - Academic and Examination Changes

Wait for the Ministry of the Attorney General to start drafting the academic and examination changes to Regulation 941, and to notify the Attorney General to correct Section 29(f) to refer to “Engineers Canada”, instead of “Canadian Council of Professional Engineers”. [Pending]

J. Max reported that this will be discussed at Item 2.1(a) later this meeting.

Decide on the timing of when to notify other Canadian engineering regulators to meet OLMA requirements. [Pending]

J. Max noted that this will depend upon when the file advances.

Academic Assessment Appeals

Draft a memo from the Legislation Committee Chair to the Licensing Committee Chair on their Briefing Note regarding the creation of a review process for academic assessments, stating that the Licensing Committee should undertake a legal review of this policy to ensure that it does not interfere with, or require any, Act or Regulation changes, advising the Licensing Committee that they may not want to use the word “appeal” as this word has specific legal implications, that the process should include referrals to the Experience

Requirements Committee as per current Regulations, and that external reviews by non Academic Requirements Committee members might contravene Section 40(1) of Regulation 941. [Completed]

J. Max noted that this memo had been sent and was included in today's meeting agenda package.

Provisional Licence

Draft a memo from the Legislation Committee Chair to the Licensing Committee Chair to ask for their comments prior to seeking policy direction from Council regarding changing the language in Section 41.1 of Regulation 941 to match that in Section 18(1) of the *Professional Engineers Act, R.S.O. 1990*. [Completed]

J. Max noted that this memo had been sent and was included in today's meeting agenda package.

Regulatory Conflict Priorities

Further review the 93 pieces of Ontario legislation in conflict with the *Professionals Engineers Act, R.S.O. 1990* and its accompanying Regulations, and to bring individual conflicts to the Legislation Committee, as necessary. [Completed]

J. Max noted that this was evolving with the new government and its regulatory agenda.

Offering Legislation Committee Training to Other Committees

Explore possibilities for a Legislation Committee video or in-person presentations within PEO Council, committees, and/or staff. [Pending]

J. Max noted that this was pending due to other current priorities.

2. FOR DISCUSSION

2.1 Regulation 941

(a) Academic and Examination Changes

J. Max reported that staff had held a teleconference in early September 2018 with Ministry of the Attorney General ("MAG") policy staff to answer their questions regarding PEO's proposed Regulation changes.

They noted that the government had not yet approved the initial drafting of the Regulation changes. Specifically, MAG had asked for: (a) if stakeholder consultations were or would be done; (b) if PEO had responded to the Office of the Fairness Commissioner; and (c) for an interjurisdictional analysis of the earliest timeframes for writing the Professional Practice Examination (“PPE”).

He further noted that staff had met to discuss the operational implications of the proposed changes, and had identified File Closing as a major issue. There were an estimated 5,000 applicants (out of 22,000) with 8 or more years post-academic requirements, and that a decision would be required from the Licensing Committee (the proponent) on whether to write the Regulation as of the effective date to: (a) immediately close their files; (b) give the applicants another 8 years; or (c) give a notice and “grace period” of 1-2 years before closing the file. He added that a decision was also required on whether a closed file was considered “withdrawn by the Registrar”, as done in Section 37 for non-compliance with the PPE requirement, or Notice of Proposal to Refuse to Issue a Licence, which could trigger a Registration hearing. He had requested the Licensing Committee to provide answers to these policy questions at its September 27, 2018 meeting.

J. Max replied that a stakeholder consultation could be done. The Legislation Committee members suggested that the Committee might also ask why people had files open for 8 or more years as part of that consultation, and this was agreed to be a good question to ask the 5,000 or so applicants in this situation. The PPE timeframe comparison had been completed and was included in today’s meeting agenda package. The Office of the Fairness Commissioner response was being prepared to include more rationale, and the PRIA would be updated to include the *Ontario Labour Mobility Act* feedback as well and, at the Committee’s request, to include the Office of the Fairness Commissioner and other engineering regulators as stakeholders in the PRIA.

Action: Staff to continue working on the Regulation file and PRIA components, and keep the Committee apprised.

Staff to request the Licensing Committee Minutes from its September 27, 2018 meeting and provide it to the Legislation Committee members pertaining to the Licensing Committee’s policy decision on transition of the closed files.

(b) Provisional Licence

J. Max reported that the Legislation Committee was awaiting feedback from the Licensing Committee its request for comments before proposing changing “may” to “shall” in Section 41.1 of the Regulation. He had included the relevant Council Minutes from 1999 giving authority for the creation of a Provisional Licence to provide more context, but it did not clarify whether the Provisional Licence was to be automatically issued or whether the licence applicant had to ask for it to be issued. As the Licensing Committee had only met on September 27, 2018, the Legislation Committee had not yet received any feedback.

Action: Staff to request the Licensing Committee Minutes from its September 27, 2018 meeting and provide it to the Legislation Committee members pertaining to the Provisional Licence.

2.2 Regional Councillors Committee By-Law Request

J. Max reported that the agenda package included the original Regional Councillors Committee’s Briefing Note to Council, the Legislation Committee’s October 2017 meeting Minutes on that discussion, as well as its response to the Regional Councillors Committee. The Legislation Committee had not received any response from the Regional Councillors Committee in the interim.

There is some confusion between the Regional Councillors Committee and the Legislation Committee on the process for By-Law changes, as well as the Regional Councillors Committee’s policy intents on some of the proposed changes. Some changes might require Regulation changes which might hold up the By-Law No. 1 changes, and legal opinions might also be necessary.

Action: Staff to meet with Chapters staff to better understand the Regional Councillors Committee’s policy intents, possibly to present to the Regional Councillors Committee, to prepare a detailed legal authority analysis of the Regional Councillors Committee’s proposed changes, for the next Legislation Committee meeting, and to send the Regional Councillors Committee a response that more clearly indicated what the next steps were in the process for Regulation and/or By-Law changes.

2.3 By-Law Change Protocol Follow-Ups

J. Max reported that the Legislation Committee had sought comments from the Regional Councillors Committee, Finance Committee, Audit Committee and Executive Committee on its proposed By-Law Change Protocol, and that

comments were received on September 27, 2018 from the Regional Councillors Committee, asking questions about getting legal opinions. He noted that PEO would cover the legal opinions, but they would not be needed in most cases if the By-Law making authority was clear. It was agreed that staff should revise the Protocol and bring it to the next Legislation Committee meeting.

Action: Staff to revise the By-Law Change Protocol to address the Regional Councillors Committee's questions, and to present it at the next Legislation Committee meeting on October 19, 2018.

3. FOR INFORMATION

3.1 Limited Licence Briefing Note Package for Ministry of the Attorney General

J. Max advised that the President and Interim Registrar had met with Attorney General Caroline Mulroney on August 6, 2018, and the outstanding Limited Licence issue in the Act was flagged as an issue they wanted more detailed information on. The material sent to the Attorney General Minister's Office on September 6, 2018 was included in this meeting's agenda package for information, but PEO had not received any feedback to date.

Action: Staff to follow up with the Attorney General Minister's Office on the Limited Licence file.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:27 a.m.

The next meeting is scheduled for Friday, October 19, 2018, from 10:00 a.m. to 1:00 p.m.