



Minutes

LEGISLATION COMMITTEE MEETING

Friday, September 8, 2017 - 10:00 a.m.
PEO Offices - Room 1C

Members:

Christian Bellini, P. Eng. (Chair)
Qadira Jackson Kouakou (Vice-Chair)
David Brown, P. Eng. (President-Elect, Ex-Officio Member) *[via teleconference]*
George Comrie, P. Eng.
Lola Hidalgo, P. Eng. *[from 10:20am]*
Gary Houghton, P. Eng.

Staff:

Jordan Max, Manager, Policy
Gerard McDonald, P. Eng., Registrar
Johnny Zuccon, P. Eng., Deputy Registrar, Tribunals and Regulatory Affairs
Linda Latham, P. Eng., Deputy Registrar, Regulatory Compliance *[from 10:00 a.m. to 11:00 a.m.]*

Guests:

Sheryl Cornish, Ministry of the Attorney General *[from 10:00 a.m. to 11:00 a.m.]*
Abi Lewis, Ministry of the Attorney General *[from 10:00 a.m. to 11:00 a.m.]*

Regrets:

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

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 10:10 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. Comrie Seconded by: Q. Jackson Kouakou CARRIED

2. FOR DISCUSSION

2.1 Belanger Act Changes - Update

In order to accommodate the Ministry guests' schedule, this item was moved up in the agenda. J. Zuccon explained that staff had held two meetings with the Attorney General's staff on August 11 and 31, 2017 to review drafts of the Act changes related to the Belanger Inquiry, and staff conducted a further internal review the prior day, resulting in the version to be reviewed at today's meeting. Due to the confidentiality of the material, only hard copies were provided, and members were required to sign a Confidentiality Agreement. The Chair and staff expressed their appreciation to the Ministry guests for agreeing to come to the Committee meeting, instead of only two members being allowed to go to Queen's Park.

S. Cornish then led the presentation on the various items in the draft Act changes, and answered Legislation Committee members' questions regarding the draft and the timing of the Bill's introduction into the Legislature. No further wording changes were required. At the end of the discussion, Ministry staff collected the Confidentiality Agreements, and the draft changes were collected for shredding by staff.

1. PROCEDURAL (cont'd.)

1.3 Approval of Minutes of July 14, 2017 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 14, 2017 meeting as written.

Moved by: Q. Jackson Kouakou Seconded by: G. Comrie CARRIED

1.4 Action Items from July 14, 2017 Meeting

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

Regulation Changes - Council Term Limits

Staff to forward Council's proposed changes to the Ministry of the Attorney General for drafting, along with an indication that there is to be no grandfathering, and the expectation that the changes be implemented by July 18, 2018. [Completed]

J. Max noted that staff had held a first discussion with the Attorney General's policy staff to review the policy intents on Term Limits, accompanied by the staff advisors to the Council Term Limits Task Force. They reviewed the contents and rationales for the different term limit rules passed by Council in June 2017. A Preliminary Regulatory Impact Assessment (PRIA) document would be drafted to accompany the Regulation, and would be presented to the Committee, hopefully at its next meeting.

Staff asked the Legislation Committee members if they wished to invite the Chair and Vice-Chair of the Council Term Limits Task Force to attend that meeting to answer any questions, and the conclusion was that it would not be necessary.

Action: 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.

Legislation Committee Workplan 2017-2018

Send updated workplan to Council for the September 27, 2017 meeting.
[Completed]

J. Max noted that this would be on Council's agenda at its upcoming meeting. As per the Work Plan, the Regulatory Conflict Log would be updated on the PEO website.

Action: Staff to update the Regulatory Conflict Log on the PEO website.

2. FOR DISCUSSION (cont'd.

2.1 Belanger Act Changes - Update (cont'd.)

G. McDonald further reported that, on September 6, 2017, President Dony, J. Zucco and he held a conference call with the Attorney General's Office and Premier's Office to discuss the Elliot Lake Commission of Inquiry recommendation that all PEO members advise clients (past and present) of any suspensions or revocations of their licences, and the reasons therefor. The Premier's Office explained that they were still concerned about PEO's position on Recommendation 1.25, and put forward two suggestions that PEO consider:

- (1) A requirement that engineering firms notify current clients and make best efforts to notify past clients of suspensions or revocations of an engineer's licence.
- (2) A PEO practice direction or guideline advising that retainer agreements relating to structural engineering include an obligation to disclose discipline history. The direction could include standard language about the availability of discipline information on the PEO website, and an undertaking to contact the client if any of the engineers become the subject of discipline proceedings during the course of the retainer which resulted in the suspension or revocation of their licence.

G. McDonald reported that PEO had rejected the first suggestion as unworkable. With respect to the second suggestion, PEO speculated that, perhaps, a guideline on the obligations and responsibilities of suspended members might be something that could be considered; however, PEO rejected the suggestion that practitioners advise prospective clients of past discipline history. He argued that this would essentially mean career suicide for practitioners with a discipline infraction, and would run counter to the rehabilitative objective of discipline, as opposed to a punitive one. He also noted that all practitioners' discipline

histories would be available online. The Premier's and Attorney General's staff indicated that they would be taking our comments under consideration, and may be coming back to us on this matter.

2.2 By-Law Changes - Proclamation

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

J. Zuccon explained that this was a proposal to Council to request the Attorney General to proclaim Section 8(1)16 of the Act to provide by-law making powers for specifying the amount and requiring payments of fees that are currently in Regulations. This originated in the *Open for Business Act, 2010*, which included 66 changes to the *Professional Engineers Act* approved by PEO Council in April 2010. To be able to eventually move all existing fees from Regulations to the By-Laws, PEO Council will need to request the Government to proclaim the new Section 8(1)16. In staff's recent discussions with the Attorney General's Office, they agreed that this section could be proclaimed in advance of other related changes to the Act [repeal of Section 7(1)25 and the complementary amendment of Regulation 941 to remove references to fees, along with changes to the proposed By-Law No. 1], which could be done once Section 8(3) of the Act was amended to restore the By-Law confirmation threshold to the majority of the members voting on the By-Law. The draft Briefing Note would ask for Council's agreement on requesting proclamation of the amendment to Section 8(1)16 of the Act.

The members discussed the draft Council Briefing Note, as presented. The effective date for proclamation was to be "as soon as possible".

A motion was made to approve the draft Briefing Note, including "as soon as possible" for the effective date of the proclamation.

Moved by: D. Brown Seconded by: Q. Jackson Kouakou CARRIED

Action: Staff to forward the revised Briefing Note to the Secretariat to include in the September 2017 Council meeting agenda package.

3. FOR INFORMATION

3.1 Regulation Changes - Academic/Exams

J. Max reported that, regarding this issue, he had been invited to present on July 27, 2017 to the Licensing Committee on PRIA requirements as part of the Regulation-making process. Much of the discussion at that meeting was

regarding who would draft the PRIA document for these Regulation changes, as the Licensing Committee (proponent) did not have resources. He also noted that the Council motions on those Regulation changes had been forwarded to the Ontario Fairness Commissioner's Office at the direction of the Attorney General's staff, but that no response had been received to date.

The Committee briefly discussed this issue, and agreed that Legislation Committee staff should follow up with the Ontario Fairness Commissioner's staff and draft the PRIA document to send to the Licensing Committee for review and comments prior to it coming to the Legislation Committee for approval.

Action: Staff to:

- (1) Follow up with the Ontario Fairness Commissioner's staff regarding the Academic/Examination regulation proposed changes; and
- (2) Draft the PRIA document to send to the Licensing Committee for review and comments prior to it coming to the Legislation Committee for approval.

3.2 Regulation Changes - Removal of Councillor

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

J. Max reported that he had received communication from the staff advisor to the Human Resources Committee, noting that they were proposing to rescind the original Council motions on reasons for removing a Councillor at a future Council meeting. G. McDonald further added that peer review would be carried out by the Human Resources Committee before bringing the proposal to Council. This would mean that this matter was finally disposed of and could be removed from Legislation Committee's outstanding Regulation proposal log.

Action: Staff to remove the "Removal of a Councillor" item from the Act and Regulation Change Proposal log once Council has rescinded the motions.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:18 p.m.

The next meeting is scheduled for Friday, October 13, 2017 from 10:00 a.m. to 1:00 p.m.