



## **2021 BY-LAW PROPOSALS**

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## PROPOSAL 1 - BY-LAW 4 & 16 – LENGTH OF VOTING PERIODS

This change will simply align the length of the voting periods for Council elections and by-law proposals.

In the event that both voting periods start on the same day, this will ensure that they end on the same day. This will reduce confusion for voters.

The date chosen by the secretary under the proposed 16.6.6 below must comply with 16.6.2 (which is unaltered by this proposal).

CURRENT WORDING	PROPOSED WORDING
<p>4.4.1 Online Voting</p> <p>Except as provided in 4.4.2, voting for elected councillors shall be conducted online through a secure portal and interns and professional members may cast their votes during the period of time that is no earlier than 21 days and no later than eight days before the annual general meeting. The online voting system shall be audited in accordance with the election rules.</p> <p>4.4.2 Mail Vote</p> <p>Interns or professional members may cast their votes by way of paper ballot, provided that any intern or professional member wishing to do so gives written notice to that effect to the secretary and such notice is received no later than 5:30 p.m. CST on the date that is 28 days before the next annual general meeting.</p> <p>At least 21 days before the next annual general meeting, the secretary shall cause to be prepared and mailed to each such intern or professional member who has given a notice under clause (a) a paper ballot bearing the names of those candidates for election as an elected councillor.</p> <p>Interns and professional members may cast their votes during the period of time that is no earlier than 21 days and no later than eight days before the annual general meeting.</p>	<p>4.4.1 Online Voting</p> <p>Except as provided in 4.4.2, voting for elected councillors shall be conducted online through a secure portal. <del>and interns and professional members may cast their votes during the period of time that is</del> <u>The voting period shall commence</u> no earlier than 21 days <del>and no later than eight days</del> before the annual general meeting <u>and shall continue for not less than 15 days</u>. The online voting system shall be audited in accordance with the election rules.</p> <p>4.4.2 Mail Vote</p> <p>Interns or professional members may cast their votes by way of paper ballot, provided that any intern or professional member wishing to do so gives written notice to that effect to the secretary and such notice is received no later than 5:30 p.m. CST on the date that is 28 days before the next annual general meeting.</p> <p>At least 21 days before the next annual general meeting, the secretary shall cause to be prepared and mailed to each such intern or professional member who has given a notice under clause (a) a paper ballot bearing the names of those candidates for election as an elected councillor.</p> <p><del>Interns and professional members may cast their votes during the period of time that is</del> <u>The voting period shall commence</u> no earlier than 21 days <del>and no later than eight days</del> before the annual general meeting <u>and shall continue for not less than 15 days</u>.</p>

CURRENT WORDING	PROPOSED WORDING
<p>16.6.6 Voting Period The voting period shall commence five business days following the annual general meeting or special meeting where the proposal was discussed and shall continue for not less than 15 days.</p>	<p>16.6.6 Voting Period The voting period shall commence <del>five business days following the annual general meeting or special meeting where the proposal was discussed</del> <u>on a date set by the secretary</u> and shall continue for not less than 15 days.</p>

## PROPOSAL 2 - BY-LAW 6.5 PUBLIC INTEREST REVIEW COMMITTEE

This change will create consistency with other committees in by-law. It moves the elements of the Public Interest Review Committee (PIRC) by-law that are normally included in a Terms of Reference to policy.

All of the requirements in the current by-laws will be maintained in policy (see below).

CURRENT WORDING	PROPOSED WORDING
<p>6.5.1 Constitution and Purpose</p> <p>There shall be a public interest review committee that shall be a standing committee which in accordance with the Act, shall provide recommendations to the council so as to facilitate the timely implementation of advocacy actions by the association and whose functions and responsibilities shall be those provided for in the terms of reference adopted by the council as amended or replaced from time to time.</p>	<p>6.5.1 Constitution and Purpose</p> <p>There shall be a public interest review committee that shall be a standing committee which in accordance with the Act, shall provide recommendations to the council so as to facilitate the timely implementation of advocacy actions by the association and whose functions and responsibilities shall be those provided for in the terms of reference adopted by the council as amended or replaced from time to time.</p>
<p>6.5.2 Composition</p> <p>(a) The public interest review committee shall be comprised of no fewer than seven and no more than 11 members.</p> <p>(b) The public interest review committee shall be comprised of the following:</p> <ul style="list-style-type: none"> <li>(i) one professional member who is also a member of the investigation committee and who shall be appointed by the investigation committee;</li> <li>(ii) two professional members who shall be elected at the annual general meeting, in accordance with the election rules;</li> <li>(iii) the registrar; and</li> <li>(iv) the following persons, appointed by the council: <ul style="list-style-type: none"> <li>A. two past presidents of the association, at least one of whom shall still be a practising member at the time of appointment;</li> <li>B. one person who is a resident of Manitoba, but who is not and has never been, a professional member or an intern; and</li> </ul> </li> </ul>	<p>6.5.2 Composition</p> <p><u>The membership of the public interest review committee shall consist of no fewer than 7 and no more than 11 members, and shall be comprised in accordance with the terms of reference adopted by the council as amended or replaced from time to time.</u></p> <p><del>(a) The public interest review committee shall be comprised of no fewer than seven and no more than 11 members.</del></p> <p><del>(b) The public interest review committee shall be comprised of the following:</del></p> <ul style="list-style-type: none"> <li><del>(i) one professional member who is also a member of the investigation committee and who shall be appointed by the investigation committee;</del></li> <li><del>(ii) two professional members who shall be elected at the annual general meeting, in accordance with the election rules;</del></li> <li><del>(iii) the registrar; and</del></li> <li><del>(iv) the following persons, appointed by the council:</del></li> </ul>

CURRENT WORDING	PROPOSED WORDING
<p>C. up to four other persons who, at the time of appointment, are professional members.</p> <p>(c) Two alternate members of the public interest review committee shall also be appointed by the council, one being a professional engineer and the other being a professional geoscientist, either of whom (at the request of the public interest review committee) shall be available to serve the public interest review committee for so long as their services may be required.</p> <p>(d) In considering those persons to be appointed to the public interest review committee, the council shall endeavor to provide appropriate continuity of service, balance of experience, and representation of both the engineering and geosciences professions.</p> <p>(e) The term of office of the members of the public interest review committee shall be two years and run from the date of their appointment or election, as applicable.</p> <p>(f) No person who has been elected or appointed as a member of the public interest review committee shall be eligible for re-election or re-appointment after four consecutive years of membership.</p>	<p><del>A. two past presidents of the association, at least one of whom shall still be a practising member at the time of appointment;</del></p> <p><del>B. one person who is a resident of Manitoba, but who is not and has never been, a professional member or an intern; and</del></p> <p><del>C. up to four other persons who, at the time of appointment, are professional members.</del></p> <p><del>(c) Two alternate members of the public interest review committee shall also be appointed by the council, one being a professional engineer and the other being a professional geoscientist, either of whom (at the request of the public interest review committee) shall be available to serve the public interest review committee for so long as their services may be required.</del></p> <p><del>(d) In considering those persons to be appointed to the public interest review committee, the council shall endeavor to provide appropriate continuity of service, balance of experience, and representation of both the engineering and geosciences professions.</del></p> <p><del>(e) The term of office of the members of the public interest review committee shall be two years and run from the date of their appointment or election, as applicable.</del></p> <p><del>(f) No person who has been elected or appointed as a member of the public interest review committee shall be eligible for re-election or re-appointment after four consecutive years of membership.</del></p>

**Supporting Policy – Public Interest Review Committee – GP-8.12**

**Products**

1. The Public Interest Review Committee shall provide recommendations to the council to facilitate the timely implementation of advocacy actions by the association.
  1. Consider and determine all issues of a public interest nature that are referred to it by Council.

2. Consider and determine on any other issue which it identifies and has reason to expect is relevant to consideration of section 3(c) of the Act.
3. Have a standing and early agenda item at each meeting requiring Committee members to declare any conflict of interest regarding any matter before the Committee, in accordance with a conflict of interest policy adopted from time to time by the Council and shall proceed in accordance with the provisions of that policy.
4. Prepare and publish on the Association's website a statement outlining the Committee's process for assessing and coming to a determination on issues.
5. If the committee determines that a matter referred to it properly relates to sections 3(a) or 3(b) of the Act, or both, refer the matter to the Registrar and so inform any referring party or parties accordingly.
6. In considering an issue be free to consult in confidence with any members of the Association, and relevant experts and professionals to assist in reviewing an issue under PIRC consideration who it believes have appropriate expertise.
7. If the committee determines that an issue warrants advocacy action by the Association, prepare a statement:
  1. Describing the issue;
  2. Describing the potential risk to the public interest;
  3. Explaining its determination;
  4. Describing the degree of urgency by addressing the likelihood of risk and the magnitude of loss and material adverse consequences, and;
  5. Providing a plan of appropriate action, including communication to the membership and the public at large, and a proposed schedule for implementation by the Association.
8. Forward the statement and plan to the president for timely, balanced, and visible consideration and, if so decided, implementation by the Council.
9. Make itself available for such consultation as the president or Council, or either, may request.
10. Conduct an annual review of its terms of reference and procedural guidelines.
11. Provide an annual report on its activities, including the results of its annual review of its terms of reference, for consideration by the membership at the Annual General Meeting.

**Authority**

2. The Public Interest Review Committee is established by, and has authority provided by, By-law 6.5.

**Composition**

1. The public interest review committee shall be comprised of the following:
  1. one professional member who is also a member of the investigation committee and who shall be appointed by the investigation committee;
  2. two professional members who shall be elected at the annual general meeting, in accordance with the election rules;
  3. the registrar; and

4. two past presidents of the association, at least one of whom shall still be a practising member at the time of appointment;
  5. one person who is a resident of Manitoba, but who is not and has never been, a professional member or an intern; and
  6. up to four other persons who, at the time of appointment, are professional members.
2. Two alternate members of the public interest review committee shall also be appointed by the council, one being a professional engineer and the other being a professional geoscientist, either of whom (at the request of the public interest review committee) shall be available to serve the public interest review committee for so long as their services may be required.
  3. In considering those persons to be appointed to the public interest review committee, the council shall endeavor to provide appropriate continuity of service, balance of experience, and representation of both the engineering and geosciences professions.

#### **Term of Office**

1. The term of office of the members of the public interest review committee shall be two years and run from the date of their appointment or election, as applicable.
2. No person who has been elected or appointed as a member of the public interest review committee shall be eligible for re-election or re-appointment after four consecutive years of membership.

## PROPOSAL 3 - BY-LAW 13 & 16 BY-LAW PROPOSALS AND MEMBER ENGAGEMENT

During the 2017 by-law re-write project, Council made changes to By-law 16 to update the by-law review process. In 2018, members proposed a by-law that introduced the stipulation that all by-law changes need to be discussed at the Annual General Meeting or a Special Meeting of Council before being voted on by the membership.

Council has used this current system for three voting periods .

The member-proposed changes (2018) were written with the purpose of increasing member engagement. However, as written, the discussion happens only five days prior to the voting period opening, which does not leave enough time to implement any important changes.

By mandating engagement much earlier in the process, Council can hear from more members, from more locations, throughout the process. Council can use the comments and questions received to make meaningful improvements to the proposals. This also allows Council more time to research and get legal counsel to review any changes that might arise from member engagement.

The proposed changes will ensure early engagement that reaches a broader audience. It will also help to alleviate the administrative burden of planning and running a Special Meeting or a two separate voting periods. Combining Council voting and by-law voting will also help alleviate voter fatigue.

CURRENT WORDING	PROPOSED WORDING	REASONS
<p>13.1 Annual General Meetings</p> <p>(a) The council shall call an annual general meeting of the association to be held no earlier than September 10 and no later than October 31 of each calendar year.</p> <p>(b) At each annual general meeting, the following business shall be considered:</p> <p>(i) approval of the agenda;</p> <p>(ii) report of the president;</p> <p>(iii) accepting or correcting the minutes from the last annual general meeting;</p> <p>(iv) business arising out of the minutes from the last annual general meeting;</p>	<p>13.1 Annual General Meetings</p> <p>(a) The council shall call an annual general meeting of the association to be held no earlier than September 10 and no later than October 31 of each calendar year.</p> <p>(b) At each annual general meeting, the following business shall be considered:</p> <p>(i) approval of the agenda;</p> <p>(ii) report of the president;</p> <p>(iii) accepting or correcting the minutes from the last annual general meeting;</p> <p>(iv) business arising out of the minutes from the last annual general meeting;</p>	<p>This change takes into consideration changes to voting by-laws below. In particular, the movement of discussions and voting on by-law proposals to take place before the Annual General Meeting.</p>



CURRENT WORDING	PROPOSED WORDING	REASONS
<p>(v) declaration of the result of the ballot for elected councillors;            (vi) consideration of the auditor’s report;            (vii) appointment of the auditor;            (viii) consideration of any by-law changes;            (ix) consideration of any motions; and            (x) any other business required by these by-laws to be transacted at an annual general meeting.</p>	<p>(v) declaration of the result of the ballot for elected councillors;            (vi) consideration of the auditor’s report;            (vii) appointment of the auditor;            (viii) consideration of any by-law changes, <u>if necessary</u>;            (ix) consideration of any motions; and            (x) any other business required by these by-laws to be transacted at an annual general meeting.</p>	
<p>16.4.4 Members and Legal Input on By-law Proposals</p> <p>As part of its review of any by-law proposal, the by-law review committee shall:</p> <p>(a) seek input from members by posting the by-law proposer’s statement given under 16.2.2(c) or the council’s statement made under 16.3, as the case may be, and such other information as the committee may deem appropriate or necessary on an online members forum on the association’s website for a period of not less than 14 days and requesting members’ input thereon; and</p> <p>(b) seek input from legal counsel as to the legality of the proposed by-law and any other matter in connection with such proposed by-law as the committee may direct.</p>	<p>16.4.4 Members and Legal Input on By-law Proposals</p> <p>As part of its review of any by-law proposal, the by-law review committee shall:</p> <p>(a) seek input from members <u>by engaging the membership in a manner deemed appropriate by the committee, as well as</u> by posting the by-law proposer’s statement given under 16.2.2(c) or the council’s statement made under 16.3, as the case may be, and such other information as the committee may deem appropriate or necessary on an online members forum on the association’s website for a period of not less than 14 days and requesting members’ input thereon; and</p> <p>(b) seek input from legal counsel as to the legality of the proposed by-law and any other matter in connection with such proposed by-law as the committee may direct.</p>	<p>This change mandates engagement with the membership throughout the by-law proposal process. This allows for the By-law Review Committee to determine how best to engage the membership based on what is being proposed.</p>
<p>16.6.2 - Time of Vote on Proposed By-law</p> <p>Unless the council shall decide that it is necessary and in the best interest of the</p>	<p>16.6.2 - Time of Vote on Proposed By-law</p> <p>Unless the council shall decide that it is necessary and in the best interest of the</p>	<p>This change moves the timing of by-law votes to before and in conjunction with</p>

CURRENT WORDING	PROPOSED WORDING	REASONS
<p>association to put a proposed by-law to a vote on an expedited basis, voting on proposed by-laws shall take place after the next annual general meeting consistent with 16.6.6.</p> <p>16.6.2.1 If the vote is not on an expedited basis then the by-law proposal shall be considered at the next annual general meeting, as provided for in the agenda referred to in 13.1.</p> <p>16.6.2.2 A vote on an expedited basis shall not take place until after a special meeting has been held to discuss the related proposal.</p>	<p>association to put a proposed by-law to a vote on an expedited basis, voting on proposed by-laws shall take place <del>after the next annual general meeting consistent with 16.6.6.</del> <u>16.6.2.1 If the vote is not on an expedited basis then the by law proposal shall be considered at the next annual general meeting, as provided for in the agenda referred to in 13.1.</u></p> <p><del>16.6.2.2 A vote on an expedited basis shall not take place until after a special meeting has been held to discuss the related proposal.</del> <u>before and in conjunction with an annual general meeting or special meeting.</u></p>	<p>an Annual General Meeting or Special Meeting.</p>
<p>16.6.5 Consideration by Member of Proposed By-law Change</p> <p>Concurrently with giving notice under 16.6.4, the secretary shall open an online forum for discussion of the proposed by-law on the association's website. Such forum shall be open for discussion for not less than seven nor more than 14 days prior to the next annual general meeting or special meeting where the proposal shall be discussed and shall remain open to new discussion until the time of the opening of the voting period.</p>	<p>16.6.5_ <u>Consideration by Member of Proposed By-law Change Online Forum</u></p> <p>Concurrently with giving notice under 16.6.4, the secretary shall open an online forum for discussion of the proposed by-law on the association's website. Such forum shall remain open for discussion for not less than 7 nor more than 14 days <del>prior to the next annual general meeting or special meeting where the proposal shall be discussed and shall remain open to new discussion until the time of the opening of the voting period</del> <u>but shall be closed to new discussion at the time of the opening of the voting period.</u></p>	<p>Consequential change from changing the timing of the by-law voting period.</p>
<p>16.6.11.3 NEW</p>	<p><u>16.6.11.3 Delivery of Scrutineers' Report at Annual General Meeting</u></p> <p><u>Except as provided in 16.6.12.4, the results of the scrutineers' report shall be presented to</u></p>	<p>Consequential change from changing the timing of the by-law voting period.</p>

CURRENT WORDING	PROPOSED WORDING	REASONS
	<p><u>the members at the first Annual General Meeting after the end of the voting period and shall be posted on the association's website.</u></p>	
<p>16.6.11.4 NEW</p>	<p><u>16.6.11.4 Delivery of Scrutineers' Report for Expedited Vote</u></p> <p><u>If the proposed by-law was put to a vote on an expedited basis pursuant to 16.6.2, the results of the scrutineers' report shall be posted on the association's website.</u></p>	<p>Consequential change from changing the timing of the by-law voting period.</p>

## PROPOSAL 4 - BY-LAW 15.22 COMMUNICATIONS AND THE REGISTRAR

This change will create consistency with operations and improve efficiency of investigations by allowing staff and the Investigation Committee to communicate throughout an investigation to accomplish tasks such as scheduling meetings and requesting documentation.

The Registrar will still communicate when required by the Act.

This will also help to maintain the impartiality of the Registrar.

CURRENT WORDING	PROPOSED WORDING
<p>15.2.2 Communications and the Registrar</p> <p>Except as otherwise provided in any policy or procedure adopted by the council, all notices given and communications made in connection with any complaint, proceeding, decision, or order under this part shall be given or made through the registrar. The registrar shall not participate in any investigation or any proceedings of any committee or panel under this part.</p>	<p>15.2.2 Communications and the Registrar</p> <p><del>Except as otherwise provided in any policy or procedure adopted by the council, all</del> <u>All</u> notices <del>given</del> and communications <del>made</del> in connection with any complaint, proceeding, decision, <del>or</del> order under this part shall be given <u>to</u> or made <del>through</del> <u>in the manner prescribed for in the registrar Act, these by-laws or any policy or mandate adopted by council, and where not so prescribed, in such manner as directed by the investigation committee.</u> The registrar shall not <u>otherwise</u> participate in any investigation or any proceedings of any committee or panel under this part.</p>

## PROPOSAL 5 - BY-LAW 15.3.5 DIRECTIONS AND PRACTICE NOTES

This change codifies the creation of Practice Guidelines, to ensure that they are being reviewed and created as needed.

The Investigation Committee will report changes and publications to the Council (see below).

CURRENT WORDING	PROPOSED WORDING
<p>15.3.5 Directions and Practice Notes</p> <p>The investigation committee may prepare and publish directions and practice notes on matters related to the practice of professional engineering and professional geoscience. When consulted, the investigation committee may offer advice to practitioners on specific matters.</p>	<p>15.3.5 Directions, <a href="#">Practice Guidelines</a> and Practice Notes</p> <p>The investigation committee may prepare and publish directions, <a href="#">practice guidelines</a> and practice notes on matters related to the practice of professional engineering and professional geoscience. When consulted, the investigation committee may offer advice to practitioners on specific matters.</p>

### Supporting Policy – Investigation Committee Terms of Reference – GP-8.5

#### 1. Products:

- 1.1 Timely handling of complaints from the public about the conduct of a member [Act Clause 31(1)]
- 1.2 Practice Notes as required to address issues affecting the practice of the profession [By-law 15.3.5]
- 1.3 Timely options for Council consideration on matters that arise at Investigation Committee that may affect the regulation of the profession.
- 1.4 Reports to (a) Council on the disposition of all complaints considered and (b) of its activities annually to the CEO for use in other reports.
- 1.5 The Chair provides an annual report in May to Council on the members of the Investigation Committee including the names of members whose appointments are due to expire as well as their eligibility for re-appointment or removal.
- 1.6 Members of the committee may express opinions to Council in confidence regarding the re-appointment or removal of the Chair.
- 1.7 Reports to Council when new Practice Guidelines are approved for publication and when existing Practice Guidelines are modified.

## PROPOSAL 6 - BY-LAW 15.3.6 FORMAL CAUTION BECOMES A CHARGE

This change will allow the Investigation Committee (IC) to exercise the power given to it by the Act to decide whether to escalate a formal caution into a charge. This will allow for minor matters to be resolved without a full hearing, though the IC will still be able to escalate a charge if needed.

The Act (section 35[1]) allows the IC to:

- a) postpone its decision pending the completion of any civil or criminal proceedings arising from the conduct giving rise to the complaint;
- b) formulate a charge setting out the particulars of the complaint and direct that the charge be referred to the discipline committee;
- c) direct that the complaint be dismissed;
- d) accept the voluntary withdrawal by the investigated person of his or her right to practise professional engineering or professional geoscience or his or her enrolment as an engineering intern or geoscience intern;
- e) issue a formal, written caution to the investigated person censuring his or her conduct;
- f) with the written consent of the investigated person, formulate a charge, register a conviction and impose any penalty that the discipline committee could have imposed.

Although the Act allows the IC to exercise any of these powers without having to meet with the investigated person, legal counsel has recommended that the by-laws require such a meeting to allow the investigated person to respond to the IC when they are contemplating a formal caution.

This by-law change also clarifies that the IC may, but is not required to, forward a charge for hearing based on the response, or lack thereof, by the investigated person.

CURRENT WORDING	PROPOSED WORDING
<p>15.3.6.1 Before issuing a caution under clause 35(1)(e) of the Act, the investigation committee shall give notice to the investigated person of its proposal to issue such caution and the terms thereof.</p>	<p>15.3.6.1 Before issuing a caution under <del>clause section</del> 35(1)(e) of the Act, the investigation committee shall give notice to the investigated person of its <del>proposal</del> <u>intention</u> to issue such caution and the terms thereof, <u>and shall invite the investigated person to meet with the committee.</u></p>

CURRENT WORDING	PROPOSED WORDING
<p>15.3.6.2 Cautions</p> <p>If the investigated person refuses to accept the investigation committee’s proposed caution, or fails to respond to the notice thereof within 14 days of the date of any such notice, then the investigation committee shall formulate a charge under clause 35(1)(b) of the Act in respect of the complaint.</p>	(REMOVE)
<p>15.3.6.3 Formal Caution becomes Charge</p> <p>The investigated person may, within 14 days of the date of any notice issued under 15.3.6.1, give notice to the investigation committee that the investigated person intends to make a proposal to vary the terms of the investigation committee’s proposed caution.</p> <p>If the investigated person gives such notice within the aforesaid time period, then the investigated person shall, within a further period of 30 days from the date of the notice given by the investigated person, provide written or oral representations proposing changes to the investigation committee’s proposed caution.</p> <p>If the investigated person fails to provide such written or oral representation within said period of 30 days, or if the investigation committee and the investigated person are unable to agree upon the terms of the caution on or before the later of 10 days from the date of receipt of the investigated person’s proposed charges and the date of the next meeting of the investigation committee, then the investigated person shall be deemed to have refused to accept the investigation committee’s proposed caution and the investigation committee shall formulate a charge under clause 35(1)(b) of the Act in respect of the complaint, which charge shall be forwarded to the discipline committee.</p>	(REMOVE)
NEW	<p><u>15.3.6.2</u></p> <p><u>Following receipt of the notice referred to in section 15.3.6.1, the investigated person shall have 14 days to accept the investigation</u></p>

CURRENT WORDING	PROPOSED WORDING
	<p><u>committee's invitation to meet or accept the terms of the caution, If the investigated person rejects or fails to respond to the investigation committee's invitation to meet, or does not accept the terms of the caution, in each case within the aforementioned 14 day period, the investigation committee may take any other action available to it under 35(1) of the Act.</u></p>
<p>15.3.6.4 No notice of a proposal to issue a caution need be given to the complainant and the complainant has no right to make a proposal to vary any proposed caution. If a caution is issued, notice setting out the terms of the caution (but not a copy of the caution) shall be given to the complainant.</p>	<p>15.3.6-4.3 No notice of <del>a proposal</del><u>an intention</u> to issue a caution need be given to the complainant, and the complainant has no right to make a proposal to vary <del>any proposed</del><u>the</u> caution. If a caution is issued, notice setting out the terms of the caution (but not a copy of the caution) shall be given to the complainant.</p>



## PROPOSAL 7 - BY-LAW 15.6 APPEALS OF DISCIPLINE DECISIONS

This change adds a 30-day time limit to appeals of discipline decisions, which is consistent with the time limit for other appeals and covers a gap in our current Act.

CURRENT WORDING	PROPOSED WORDING
<p>15.6 Appeals of Discipline Decisions</p> <p>Every notice of a council appeal shall include written reasons and shall be accompanied by a cash deposit of \$500.</p>	<p>15.6 Appeals of Discipline Decisions</p> <p><del>Every notice of a council</del> <u>An appeal under section 53(1) of the Act shall <del>include</del> be commenced by giving</u> written <del>reasons</del> <u>and notice of the appeal to the registrar within 30 days from the date on which the decision or order appealed from is given to the investigated person, provided that the registrar shall <del>be not accept</del> any such appeal unless it is</u> accompanied by <u>written reasons specifying the errors alleged to have been made by the discipline committee and</u> a cash deposit of \$500.</p>

## PROPOSAL 8 - BY-LAW 15.7.6 RECORDS AND CONFIDENTIALITY AND RELEASE OF INFORMATION

This change would allow for the Investigation Committee to discuss ongoing investigations with other regulators and authorities having jurisdiction in situations. This communication would be limited to instances where there is a potential serious risk to the public.

This helps to achieve the ends of the Association by protecting the public.

CURRENT WORDING	PROPOSED WORDING
<p>15.7.6 Records, Confidentiality and Release of Information</p> <p>Notwithstanding 15.7.3, if in the course of any investigation it comes to the attention of the investigation committee that any engineering or geoscientific work may be dangerous to persons or property, the investigation shall cause such work to be brought to the attention of the authority having jurisdiction, the person having professional responsibility and the owner.</p>	<p>15.7.6 Records, Confidentiality and Release of Information</p> <p>Notwithstanding 15.7.3, if <del>in</del> <u>during</u> the course of any investigation <del>it comes to the attention of</del>, the investigation committee <u>determines</u> that:</p> <p><u>(a) any engineering or geoscientific work may <del>be dangerous to persons or property</del> pose a serious risk to the public, the investigation committee shall cause such work to be brought to the attention of the authority having jurisdiction, the person having professional responsibility and the owner; or</u></p> <p><u>(b) the conduct of the investigated person might otherwise pose a serious risk to the public, the investigation committee may disclose such information it deems appropriate regarding the subject investigation to:</u></p> <p><u>(i) other provincial regulators of professional engineering and/or professional geoscience, provided such other provincial regulators of professional engineering and/or professional geoscience are signatories to a Memorandum of Understanding governing discipline and enforcement of regulatory activities, including the handling of such information and the maintenance of privacy in accordance with applicable legislation; and</u></p> <p><u>(ii) any governmental or law enforcement agencies who, in the opinion of the investigation committee, should receive such information in order to ensure the protection of the public.</u></p>