

2013

PROPOSED NEW BY-LAW - FOR THE PUROSE OF SECTION 3(C) OF THE ACT (PUBLIC INTEREST ADVOCACY)
BY- LAW 4 Administration

By-Law	Current Wording	Proposed Wording	Reason/Notes
TOC Part IV Administration	4.5 Boards and Committees 4.5.1 Registration Committee 4.5.2 Executive Committee 4.5.3 Continuing Competency Committee	4.5 Boards and Committees 4.5.1 Registration Committee 4.5.2 Executive Committee 4.5.3 Continuing Competency Committee <u>4.5.4 Public Interest Review Committee</u>	To provide for a new committee
By-Law 4.5.4	None	4.5.4 Public Interest Review Committee	To establish the Public Interest Review Committee and provide for its operation
By-Law 4.5.4.1 and 4.5.4.2		4.5.4.1 Interpretations In the application of “public interest” in section 1 of the Act for purposes of sub-section 3(c) and by-law 4.5.4 the following interpretations apply. <ul style="list-style-type: none"> • “public at large” – is the broader public and is to be distinguished from special interest groups, individual concerns, or local groups, and does not include any groups or individuals who are registered or deemed to represent, advocate or lobby for a specific group or individual interest under The Lobbyist Registration Act, C.C.S.M. c. L178 • “well-being” – is a positive condition of health, prosperity, physical or environmental welfare; 	To provide guidance in applying the provisions of section 3 (c) of the Act.

		<ul style="list-style-type: none"> • “convenience” – is the saving of expense, or providing material advantage to; and • “concern” – is relevant to or of interest or importance to the prevention of anxiety or worry on the part of the public at large. 	
		<p>4.5.4.2 Purpose and Structure</p> <p>a) The council shall establish a Committee known as the Public Interest Review Committee (the Committee).</p> <p>b) The purpose of the Committee is to identify and assess public interest issues and, when appropriate, provide a recommendation to the Council for facilitating timely implementation of advocacy actions by the association as might be required by section 3 (c) of the Act, and in accordance with the terms of reference and policies established by the Council.</p> <p>c) Subject to the terms of reference referred to in by-law 4.5.4.3 the committee shall consider and determine whether an issue is germane to the specialized knowledge and awareness inherent in the professions, and their application, and if such is their determination, whether there is a credible indication of exposure to a material possibility of danger, loss, injury, or other adverse consequence to the public interest.</p> <p>d) The council shall appoint members, or cause members to be appointed, to the Committee as provided in this By-Law and shall maintain the Committee.</p>	<p>To provide for the appointment of the Committee.</p> <p>To reinforce that public interest issues acted upon are to be germane to the specialized knowledge and awareness inherent in the professions</p>

		<p>e) The Committee shall consist of no fewer than seven and no more than eleven members. The appointments shall be made according to the following provisions:</p> <ul style="list-style-type: none">i. one member of the association appointed by the Investigation Committee who at the time of the appointment is a member of the Investigation Committee;ii. two members elected by way of motion(s) at the Annual General Meeting by a procedure adopted by that Meeting; andiii. the Registrar <p>f) Following receipt of notices identifying these appointees, the Council shall appoint:</p> <ul style="list-style-type: none">i. two Past Presidents of the association, at least one of whom at the time of appointment shall be active in his or her profession;ii. a person who is a resident of Manitoba but who is not, and never has been a member, temporary licensee, holder of a limited scope of practice license, an engineer-in-training or a geoscientist-in-training of the association;iii. a maximum of four other persons who, at the time of appointment, are members of the association. <p>g) In making its appointments to the Committee,</p>	
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		<p>the council shall endeavour to provide appropriate continuity of service, balance of experience, and representation by both the engineering and geosciences professions.</p> <ul style="list-style-type: none">h) The council shall designate two alternate members of the association, one a professional engineer and one a professional geoscientist, either or both of whom shall, at the request of the Committee, serve on the Committee should the Committee determine that such is required and for whatever term the Committee shall determine.i) Each appointment to the Committee shall be for a term of two years except for the appointments for the first year, approximately half of which shall be for one year and the remainder for two years.j) The members of the Committee serve at the pleasure of the Council.k) Each member may be reappointed for no more than four consecutive yearsl) The council shall, from time-to-time appoint the Chair and the Vice-Chair of the Committee from among the members of the Committee.m) The Committee has the right to establish the order of its agenda subject to the terms of reference provided for in by-law 4.5.4.3;n) In considering an issue that is rightfully before the Committee it shall be cognizant of the Fundamental Canons of the Code of Ethics of the Association in force at the time.	
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<p>By-Law 4.5.4.3</p>	<p>None</p>	<p><u>4.5.4.3 Terms of Reference of the Public Interest Review Committee</u></p> <p>The terms of reference of the Public Interest Review Committee adopted by the Council on June 12, 2013 is hereby adopted as the terms of reference of the Public Interest Review Committee of the Association.</p>	<p>To reference the establishment of the terms of reference of the Committee which will be available for consideration by the membership when voting on the by-law.</p>
<p>By-Law 4.5.4.4</p>	<p>None</p>	<p><u>4.5.4.4 Council Policy on Recommendations from the Public Interest Review Committee</u></p> <p>Council shall review and consider any recommendation for advocacy action received from the Public Interest Review Committee</p> <p>a) In so doing it:</p> <ul style="list-style-type: none"> i. shall make provision for a Councillor to declare a conflict of interest and shall proceed in accordance with a conflict of interest policy adopted from time to time by the Council; and ii. shall issue, or cause to be issued, a communiqué to the membership and any proponent prior to taking a public interest advocacy action. <p>b) Upon consideration, Council may:</p> <ul style="list-style-type: none"> i. accept the recommendation and arrange for the advocacy action to be undertaken by the Committee or otherwise; ii. decide that no such advocacy action should be undertaken; or iii. take some advocacy action that varies from the action recommended by the Committee. <p>c) In considering any advocacy action recommended by the Public Interest Review</p>	<p>To provide for the establishment of a Council Governance Policy on the process for considering and deciding on advocacy actions recommended by the PIRC.</p>

		<p>Committee, the Council may elect to obtain legal advice or consult the membership.</p> <p>d) The Council's decision on the recommendation shall be made available to the Public Interest Review Committee through the applicable meeting minute of the Council's deliberation, which shall include the reason(s) for its decision.</p> <p>e) Council's decision with respect to any advocacy action recommended by the Committee shall be final.</p>	
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Terms of Reference for the Public Interest Review Committee as Adopted by Council on June 12, 2013

To effect the provisions of By-law 4.5.4 the Committee shall:

1. consider and determine all issues of a public interest nature that are referred to it or the association by any of
 - a) the Council of the Association,
 - b) members of the public,
 - c) members of the Association,
 - d) the Registrar,
 - e) holders of a Certificate of Authorization, or
 - f) any other entity.
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 guideline 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 also 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:
 - a) describing the issue;
 - b) describing the potential risk to the public interest;
 - c) explaining its determination;
 - d) describing the degree of urgency by addressing the likelihood of risk and the magnitude of loss and material adverse consequences;
and
 - e) 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; and
12. upon being notified of the Council's decision in accordance with By-law 4.5.4.4 d) provide an appropriately worded notice to the originating person or entity as to the disposition of the matter.