

# Annual Report

2009-2010



**Ethical Practice • Competent Practice • Public Confidence • Sustainability**



### **Front Cover Photo:**

#### **PEGNL Board of Directors**

**Front row, left to right:** Dr. John Quaicoe, Glenn Mifflin, Kim Kieley, Darryl Benson, Dr. Jim Wright, Rod Churchill, Sherry Freake

**Back row, left to right:** Steve McLean, Gilbert Bennett, Barry Thomson, Carl King, Jennifer Williams, Terry Parsons, Todd Churchill

**Missing:** Dr. John Hanchar

## Board of Directors 2009-2010

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**Darryl Benson**, FEC, P.Eng., Chair

**Dr. James Wright**, P.Geo., Chair Elect [June 2009-January 2010]

**Jennifer Williams**, P.Eng., Chair Elect [January-May 2010]

**Barry J. Thomson**, FEC, P.Eng., Past President

**Todd R. Churchill**, P.Eng., Director

**Carl King**, P.Eng., Director

**Gilbert Bennett**, P.Eng., Director

**Kimberley A. Kieley**, FEC, P.Eng., Director

**Rodney Churchill**, P.Geo., Director [Geoscience]

**Sherry Freake**, RN, Public Appointee

**Glenn Mifflin**, CA, Public Appointee

**Terry Parsons**, Public Appointee

**Dr. John Quaicoe**, P.Eng., Ex-Officio Member [Engineering]

**Dr. John M. Hanchar**, P.Geo., Ex-Officio Member [Geoscience]

## Staff

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**Steve McLean**, FEC, P.Eng.,  
Chief Executive Officer  
and Registrar



**Louise Pinsent Parsons**,  
Deputy Registrar and  
Chief Operating Officer



**Leo White**, P.Eng.,  
Professional Standards  
Director



**Mark Fewer**,  
Assistant Registrar



**Julia Ludlow**,  
Account and Website  
Co-ordinator



**Kevina Willmott**,  
Administrative Assistant



**Sandra Noseworthy**,  
Registration Assistant

2009  
2010



**Darryl Benson, FEC, P.Eng.,**  
Chair



**Steve McLean, FEC, P.Eng.,**  
Chief Executive Officer  
and Registrar

## Chair and Chief Executive Officer's Report

July 1, 2009 was a very significant date for PEGNL. On that day, the *Engineers and Geoscientists Act 2008* came into force. With the new Act came a new regulatory and governance framework, new Regulations, new By-Laws, a Board of Directors, Complaints Authorization Committee, Disciplinary Committee and Registration Committee.

### Board of Directors

The make-up of the Board of Directors is different from the former Council. There are twelve Directors - nine, including the Chair, elected from the engineering and geoscience professions, and three appointed by the Minister.

The new Act provided for transition from the previous Act and, as a result, members of Council, whose terms of office would have carried into 2010 and 2011, were permitted to move to the new Board of Directors. By coincidence, there were nine members of Council who are able to continue on to the Board. Thus, there was no requirement for an election for the 2009-2010 year.

The Minister of Government Services, the Honourable Kevin O'Brien, appointed three public representatives to the PEGNL Board of Directors in September 2009, each for a three-year term:

**Glenn Mifflin, CA**, is Vice President and Chief Financial Officer of North Atlantic Refining. He holds a MBA from Queen's University and is a notary public.

**Sherry Freake, RN**, is the Chief Operating Officer at Central Health in Gander. She holds a B.N. and B.Sc. from Memorial University and a Masters of Health Services Management from Charles Sturt University, Australia.

**Terry Parsons** is the Vice President of Corporate Affairs and Manager of Business Development with Design Management Group in Gander. He is currently President of Freedom Villages Inc. and a former Chair of the Gander International Airport Authority.

The first meeting of the PEGNL Board of Directors was held on Friday, October 23, 2009. The meeting agenda consisted entirely of regulatory and Board governance

matters. With the new *Engineers and Geoscientists Act 2008* coming into force, the former Act was repealed, with the result that the Regulations and By-Laws made under it were likewise repealed.

In early January 2010, members of the Board of Directors, PEGNL staff and members were shocked and saddened by the sudden passing of Dr. Jim Wright, P. Geo., Chair Elect of the Board of Directors. Dr. Wright was a vital participant and supporter of our association and was a provincial and national leader in the promotion of professionalism in geoscience.

Jim had many irons in the fire with PEGNL. Besides being Chair Elect of the Board of Directors and Vice-Chair of the Board of Examiners, for the past 5 years he has represented our association at the Canadian Council of Professional Geoscientists and the Canadian Geoscience Standards Board. He will be greatly missed here at PEGNL.

## By-Laws

The *Engineers and Geoscientists Act 2008* gives the Board the power to make By-Laws to support compliance with the Act and, at the meeting, the Board considered draft new By-Laws. Because the new Act established a different governance and regulatory framework for PEGNL, the Board chose to restructure the By-Laws to reflect those changes. The By-Laws are divided into four components which will facilitate easy interpretation and could simplify amendments to the By-Laws as the need arises.

By-Law #1 - PEGNL Administrative By-Law

By-Law #2 - Professional Liability Insurance By-Law

By-Law #3 - Code of Ethics

By-Law #4 - Board of Directors Election By-Law

The By-Laws are now posted on the PEGNL website at [www.pegnl.ca](http://www.pegnl.ca).

## Regulations

The PEGNL Regulations 2010, to be made under the new Act, have yet to be approved by the Minister of Government Services. While normally the former Regulations would have been repealed in their entirety, because the new Regulations are not yet in place the former regulations remain in effect to the extent that they are required and as long as they are not inconsistent with the new Act. It is expected that approval of the new Regulations 2010 will be made in late April and it is anticipated that they will be available before the 2010 Annual General Meeting.

## Disciplinary Adjudication

A key change to the PEGNL regulatory process, which resulted from the 2008 Act, is the introduction of elected

professional members and appointed public members to the disciplinary process.

The Board has appointed members to the Complaints Authorization Committee. They are: Darryl Benson, P.Eng., Chair; Terry Parsons, Vice-Chair; Glenn Mifflin, CA; Jennifer Williams, P.Eng.; Rod Churchill, P.Geo.; and Carl King, P.Eng. The Complaints Authorization Committee is charged with providing the first formal adjudication of any allegations of conduct, deserving of sanction, against professional members or permit holders.

The Board has appointed 12 professional members to the Disciplinary Panel. The Minister of Government Services will also be appointing four public representatives to the Panel. The professional members appointed are:

Those who have served on the former Discipline Committee:

1. Scott Bennett, P.Eng., Chair
2. Darlene Whalen, FEC, P.Eng. - Past President PEGNL
3. Geoff Emberley, FEC, P.Eng. - Past President PEGNL
4. Bill Newton, FEC, P.Eng. - Past President PEGNL
5. Susan Richter, P.Eng.

Those who have not previously served on the Discipline Committee:

6. Tony Dawe, FEC, P.Eng. - Past President PEGNL
7. Andrew Blundon, P.Eng.
8. Lorne Boone, P.Eng./P.Geo.
9. Baxter Kean, P.Geo.
10. Karen Thomas, FEC, P.Eng. - Past President PEGNL
11. Doug Goodridge, FEC, P.Eng. - Past President PEGNL
12. Stephen Edison, P.Eng.

The Disciplinary Panel will serve as a pool of persons from which members will be selected to form adjudication tribunals. These tribunals will hold formal hearings to consider serious allegations against members or permit holders which have been referred to the Disciplinary Panel Chair by the Complaints Authorization Committee.

## Permit Holders Required To Carry Professional Liability Insurance

Another feature of the *Engineers and Geoscientists Act 2008* is the inclusion of the mandatory requirement for PEGNL Permit Holders to carry professional liability insurance. While this provision of the Act is primarily intended to provide protection to the public and clients of the permit holders, the PEGNL Board of Directors believes that it will also provide protection to permit holders who heretofore have not had professional liability insurance.

Section 1. (3) of the Act mandates that a Permit Holder provide proof to PEGNL that he or she has obtained professional liability insurance in a form and amount satisfactory to the PEGNL Board of Directors. Therefore, in order to renew a permit or to receive a new permit, a permit holder **must** provide a certificate of insurance together with his/her application annually.

PEGNL By-Law #2 details the Board's requirements for the content of the proof of professional liability insurance; however, in summary, the insurance certificate must include:

- The amount of insurance coverage.  
[The minimum required coverage is \$250,000 per claim and \$500,000 in the aggregate.]
- The term of the insurance policy.

- A statement from the insurer confirming that the PEGNL Registrar will be notified by the insurer should the insurance policy expire or be cancelled.

By-Law #2 can be reviewed on the PEGNL website at [www.pegnl.ca](http://www.pegnl.ca).

The Board of Directors and Complaints Authorization Committee have been meeting regularly and have made significant progress in completing the transition to the new framework.

### **Board of Directors Elections 2010**

The Chair Elect position on the Board of Directors was left vacant at the passing of Dr. Jim Wright, P.Ge. Jim would have advanced to the position of Chair in May 2010.

The Board of Directors considered various options to address the Board vacancies for the current year and the next Board year. Director Jennifer Williams, P.Eng., was appointed Chair Elect for the balance of the current term and the Board voted to extend the term of Darryl Benson, P.Eng., as Chair for a second year in 2010-2011. This will result in Barry Thomson, P.Eng., continuing as Past President for another year.

Board Elections will be held in April to fill the Chair Elect position for 2010-2011 and to fill the two Director-at-Large positions which become vacant in May.

The Board of Directors expresses thanks, on behalf of all members, to the two out-going Directors; Todd Churchill, P.Eng., and Kimberly Kieley, P.Eng., who have served on the Council/Board of Directors for the past three years.

### **Guidelines and Recommended Minimum Fees for Architectural and Engineering Projects, and Recommended Hourly Rates**

In January 2010, the Board of Directors passed a motion advising PEGNL's CEO to cease publication of the joint engineering and architecture recommended scale of fees and the recommended hourly rates for senior engineers, effective immediately.

The *Engineers and Geoscientists Act (1989)* gave PEGNL's Council the power to establish and publish a scale of fees for consulting services, however, the *Engineers and Geoscientists Act 2008* did not continue that power for the Board of Directors.

PEGNL will no longer be distributing the latest version of the fee scales booklet and will take the fee scales down from its website. Henceforth, PEGNL will no longer be publishing the recommended hourly rates for senior engineers.

A memorandum has been distributed to all permit holders and a notice was posted on the PEGNL website advising members of the Board's decision.

### **Engineers Canada Synergy Task Force**

Engineers Canada is the national federation of the 12 provincial and territorial associations that regulate the practice of engineering in Canada and license the country's 160,000 professional engineers. Engineers Canada serves the associations, which are its constituent and sole members, by delivering national programs that ensure the highest standards of engineering education, professional qualifications and professional practice.

Each association has representation on the Board of Directors of Engineers Canada; Dick Myers, P.Eng., represents PEGNL. The Board is currently reviewing its governance structure through a synergy task force.

The current governance model at Engineers Canada has been in place for almost 20 years and, in the view of some provinces, no longer serves the needs of the 12 associations; there is a disconnect between the Board of Engineers Canada and the constituent associations. The task force is reviewing this relationship. In addition, the method and level of financial support from the associations to Engineers Canada is under review.

It is planned that a full report from the task force will be presented to the Engineers Canada Board and the associations at the May 2010 meeting of Engineers Canada.

### **Engineers Canada Fellows Award**

In 2007, the Canadian Council of Professional Engineers (CCPE) changed its business name to Engineers Canada. At the same time, the Engineers Canada Board of Directors established a new award named "Engineers Canada Fellow".

The Fellowship status may be conferred upon individuals who have given noteworthy service to the engineering profession in a number of categories. Engineers upon whom this honour is bestowed are awarded the privilege of the use of the designation "Engineers Canada Fellow - FEC". Non-engineers are designated as "Honourary Fellows Engineers Canada" and may use the designation "HFEC".

This year, PEGNL nominated two individuals who have provided valued service to our association. The recipients are Kim Kieley, P.Eng., currently a member of the PEGNL Board of Directors, and Daisy Foster, former PEGNL Registrar. These Fellowships will be awarded at the PEGNL Annual General Meeting on May 14, 2010.

### **Agreement on Internal Trade**

In July 2008, the Council of the Federation (Premiers) agreed to amend the Agreement on Internal Trade (AIT) by January 1, 2009, to more fully facilitate labour mobility in Canada.

The amendments were made with the intention to provide any worker certified for an occupation by a regulatory authority of one province or territory to be recognized as qualified to practise that occupation by all other provinces and territories.

In the fall of 2009, the House of Assembly of Newfoundland and Labrador passed legislation called *An Act to Implement Labour Mobility*. The legislation ensures compliance with the Labour Mobility Chapter of the AIT, which came into effect on August 11, 2009, and has been amended to require full labour mobility among all provinces and territories. Under the amended chapter, any worker certified for an occupation by a regulatory body in one province or territory will be certified for that occupation in all other provinces and territories, without requiring further education, training, examinations, experience or assessment.

In Newfoundland and Labrador, the legislation applies to 36 regulatory bodies that govern 43 occupations, including engineering and geoscience. Several rounds of consultations were held with stakeholders, such as regulatory bodies, including PEGNL.

The engineering and geoscience professions have had relatively easy mobility among the provinces since the associations entered into Inter Association Mobility Agreements a number of years ago. This new agreement among the provincial governments now assures full mobility within Canada for PEGNL professional members.

It is still necessary for engineers and geoscientists to be registered in the province where they practise, however, in order to be in compliance with provincial legislation.

### **Volunteers**

In 2010, the week of April 18 - 24 is designated National Volunteer Week. For associations, charitable groups and all not-for-profit groups, it is a special time to thank and honour the people whose time and energy are the lifeblood of these organizations.

As a self-regulating professional organization, PEGNL could not operate without the dedicated efforts of volunteer members. Approximately 200 volunteer engineers and geoscientists contribute many hours annually, conducting PEGNL's regulatory, professional and social affairs.

On behalf of the Board and all members, we thank all volunteers for their dedicated support of PEGNL. This Annual Report's back cover lists all active volunteers.

### **Finances**

Financial schedules, excerpted from the Auditors' Report, are included in this Annual Report for the information of members.

The statement of operations for the 2009 fiscal year indicates an annual excess of revenues over expenses of \$15,264. There was a modest increase in revenues above the budgeted amount and, at the same time, operating expenditures were slightly higher than budgeted.

The Statement of Financial Position shows that PEGNL carried a surplus, above the required operating and appropriated reserves, into the fiscal year 2010. The budget for 2010, based on the revenue and expenditures approved by the Board, shows expenditures with a moderate increase above 2009 levels and carries a minor reduction in revenue. It is planned that in operations we will have an excess of expenditures over revenue of approximately \$99,000 this year; however, PEGNL anticipates having a surplus of funds in the amount of \$232,000 to carry into 2011.

2009  
2010

## Auditors' Report

To the Members of Professional Engineers and Geoscientists Newfoundland and Labrador

We have audited the statement of financial position of Professional Engineers and Geoscientists Newfoundland and Labrador as at December 31, 2009 and the statements of operations, changes in net assets and cash flow for the year then ended. These financial statements are the responsibility of the association's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Except as explained in the following paragraph, we conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In common with many non-profit organizations, the association derives revenue from donations and other sources, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the association and we were not able to determine whether any adjustments might be necessary to contributions, excess of revenues over expenses, current assets and net assets.

In our opinion, except for the effect of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the completeness of the contributions referred to in the preceding paragraph, these financial statements present fairly, in all material respects, the financial position of the association as at December 31, 2009 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

St. John's, Newfoundland and Labrador  
March 3, 2010



CHARTERED ACCOUNTANTS

# Statement of Financial Position

| AS AT DECEMBER 31, 2009                            | 2009      | 2008    |
|--|-----------|---------|
|  | \$        | \$      |
| <b>ASSETS</b>                                      |           |         |
| Current  |           |         |
| Cash and bank                                      | 442,739   | 431,027 |
| Long-term investments                              | 551,505   | 482,978 |
| Accounts receivable                                | 2,855     | 3,424   |
| Prepaid expenses                                   | 25,099    | 21,123  |
|  | 1,022,198 | 938,552 |
| Capital assets                                     | 52,294    | 39,821  |
| Intangible assets                                  | 24,705    | 19,003  |
|  | 1,099,197 | 997,376 |
| <b>LIABILITIES</b>                                 |           |         |
| Current  |           |         |
| Accounts payable and accrued liabilities           | 77,546    | 85,266  |
| Deferred revenue                                   | 336,609   | 266,248 |
| Due to Endowment Fund                              | 3,146     | 248     |
| Current portion of obligations under capital lease | 7,123     | -       |
| Obligations under capital lease                    | 13,895    | -       |
|  | 438,319   | 351,762 |
| <b>NET ASSETS</b>                                  |           |         |
| Invested in capital assets                         | 52,294    | 39,821  |
| Internally restricted                              |           |         |
| for future operations                              | 197,890   | 197,890 |
| Unrestricted                                       | 410,694   | 407,903 |
|  | 660,878   | 645,614 |
|  | 1,099,197 | 997,376 |

Approved on behalf of the Board of Directors:

  
Chief Executive Officer

  
Chair



# Statement of Operations

|  | Budget<br>2009   | Actual<br>2009   | Variance<br>2009 | Budget<br>2010   |
|--|------------------|------------------|------------------|------------------|
|  | \$               | \$               | \$               | \$               |
| <b>REVENUE</b>                               |                  |                  |                  |                  |
| Membership Fees                              | 631,200          | 655,936          | 24,736           | 656,000          |
| Permit Fees                                  | 226,100          | 234,870          | 8,770            | 232,000          |
| Other  | 101,600          | 108,384          | 6,784            | 106,000          |
| Registration Fees                            | 86,000           | 85,442           | (558)            | 86,000           |
| Interest and Investment Revenue              | 10,000           | 14,106           | 4,106            | 15,000           |
| Conference Revenue                           | 39,000           | 23,040           | (15,960)         | 23,000           |
|  | <b>1,093,900</b> | <b>1,121,778</b> | <b>27,878</b>    | <b>1,118,000</b> |
| <b>EXPENSES</b>                              |                  |                  |                  |                  |
| Administration                               | 241,000          | 330,589          | 89,589           | 263,950          |
| CCPE/CCPG                                    | 65,500           | 53,574           | (11,926)         | 65,500           |
| Conference                                   | 77,000           | 44,406           | (32,594)         | 47,100           |
| Council Governance                           | 47,000           | 36,091           | (10,909)         | 70,750           |
| Internal and External Communications         | 90,500           | 80,293           | (10,207)         | 89,700           |
| Meetings Expense                             | 11,000           | 6,696            | (4,304)          | 14,000           |
| Member Services                              | 31,000           | 29,744           | (1,256)          | 17,000           |
| Other  | 93,500           | 130,149          | 36,649           | 92,000           |
| Professional Fees                            | 65,000           | 47,897           | (17,103)         | 46,500           |
| Salaries and Benefits                        | 381,000          | 352,578          | (28,422)         | 450,000          |
| Scholarships and Donations                   | 25,200           | 19,796           | (5,404)          | 25,200           |
| Travel                                       | 32,000           | 32,920           | 920              | 36,000           |
|  | <b>1,159,700</b> | <b>1,164,733</b> | <b>5,033</b>     | <b>1,217,700</b> |
| Excess (deficiency) of revenue over expenses | (65,800)         | (42,955)         | 22,845           | (99,700)         |
| Unrealized gain (loss) on investments*       | -                | 58,219           | 58,219           | -                |
|  | <b>(65,800)</b>  | <b>15,264</b>    | <b>81,064</b>    | <b>(99,700)</b>  |
| Capital and Intangible Asset Expenditures ** | (25,000)         | (29,346)         | 4,346            | (25,000)         |

\* Unrealized gain (loss) on investments amount represents an unrealized gain on long-term investments. This is a result of an increase in the market value of the long-term investments from December 31, 2008 to December 31, 2009.

\*\* Capital and Intangible Asset Expenditure amount represents gross cash expenditures for the year on tangible and intangible capital items. This line was not a part of the original Audited Statement of Operations, but has been added by PEGNL for information purposes only. The actual amount for 2009 is derived from the Audited Statement of Cash Flow.

# Statement of Cash Flow

|   | <b>2009</b>    | <b>2008</b>      |
|---|----------------|------------------|
|   | <b>\$</b>      | <b>\$</b>        |
| <b>OPERATING ACTIVITIES</b>                       |                |                  |
| Cash receipts from members and related activities | 1,178,602      | 1,127,317        |
| Cash paid to suppliers and employees              | (1,100,916)    | (983,263)        |
| Interest and dividend income received             | 14,106         | 52,207           |
| Interest paid                                     | (37,995)       | (28,623)         |
| Cash flow from operating activities               | 53,797         | 167,638          |
| <b>INVESTING ACTIVITIES</b>                       |                |                  |
| Purchase of capital assets, net                   | (3,166)        | (7,495)          |
| Purchase of intangible asset                      | (26,180)       | (21,755)         |
| Purchase (net disposal) of long-term investments  | (12,857)       | (284,249)        |
| Cash flow used by investing activities            | (42,203)       | (313,499)        |
| <b>FINANCING ACTIVITIES</b>                       |                |                  |
| Repayment of obligations under capital lease      | (2,432)        | -                |
| Cash flow used by financing activities            | (2,432)        | -                |
| <b>INCREASE (DECREASE) IN CASH FLOW</b>           | <b>9,162</b>   | <b>(145,861)</b> |
| Cash - beginning of year                          | 433,852        | 579,713          |
| <b>CASH - END OF YEAR</b>                         | <b>443,014</b> | <b>433,852</b>   |
| <b>CASH CONSISTS OF:</b>                          |                |                  |
| Cash and bank                                     | 442,739        | 431,027          |
| Cash account - long term investments              | 275            | 2,825            |
|   | <b>443,014</b> | <b>433,852</b>   |



**Dr. Dennis Peters, P.Eng.,**  
*Chair, Board of Examiners*

## Board of Examiners' Report

The Board of Examiners is the decision-making body for admissions for all categories of membership, including Members-in-Training, Members, and Permits to Practice.

It is with profound regret that members of the Board of Examiners note the passing of Jim Wright, P. Geo. in January 2010. He was a valued and trusted member of the Board of Examiners and a long-time volunteer with PEGNL. He will be greatly missed.

During the past year, the Board of Examiners met twelve times and approved a total of 188 applications for full membership, 110 member-in-training applications and 47 Permits to Practice.

### Board of Examiners

Dr. Dennis Peters, P.Eng., Chair  
Dr. Claude Daley, P.Eng., Vice Chair  
Dr. James Wright, P. Geo., Vice Chair

#### MEMBERS

Dr. Des Cousens, P.Eng.; Randy Gillespie, P. Geo.; Dr. Ray Gosine, P.Eng.; Darin LeBlanc, P.Eng.;  
Dr. Leonard Lye, FEC, P.Eng.; Paul McDonald, P.Eng.; Paul Nolan, P.Eng.; Bill Noseworthy, P.Eng.; Leo Quigley, P.Eng.

The Board provided feedback to Engineers Canada on "1-year of Canadian work experience for licensure" and the proposed project to develop an engineering-specific language assessment for internationally educated graduates, as well as endorsing the mutual recognition agreement with Engineers Ireland.

The Board also supported the PEGNL Board of Directors in endorsing the draft mutual recognition agreement with the state of Texas, USA to facilitate professional engineering mobility.

Our membership numbers topped 3,000 for the first time in 2009 and, overall, membership has increased by almost 4%, net of admissions and resignations, over the past year [see the table and chart on the next page.]

#### EX-OFFICIO (NON VOTING):

Dr. Octavia Dobre, P.Eng., and Louise Pinsent Parsons, Deputy Registrar

Total professional engineers increased by 77 [3.6%] and professional geoscientists increased by 15 [6.9%]. The total EITs increased by 19, but total GITs dropped slightly to 47. The total number of Permits to Practice remained constant at a record high of 350.

In 2009, the Board of Examiners welcomed Dr. Octavia Dobre, P.Eng., as an ex-officio member. Special thanks go to Susan Scott, P. Geo., whose term ended in 2009.

Volunteers are the lifeblood of organizations such as PEGNL, and thanks are extended to all members of the Board of Examiners for their dedication in giving their time and expertise to further the professions.

# Summary of Registrations 2003 - 2009

(year ending December 31, 2009)

| <b>Membership Category</b> | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> | <b>2008</b> | <b>2009</b> |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Life Members               | 176         | 186         | 189         | 192         | 195         | 200         | 203         |
| Professional Engineers     | 1756        | 1779        | 1734        | 1827        | 1917        | 2064        | 2141        |
| Professional Geoscientists | 178         | 185         | 175         | 199         | 199         | 203         | 218         |
| Dual P.Eng./P.Geo.         | 13          | 13          | 12          | 11          | 11          | 12          | 12          |
| Engineers-in-Training      | 287         | 352         | 339         | 321         | 308         | 320         | 339         |
| Geoscientists-in-Training  | 15          | 20          | 25          | 34          | 38          | 49          | 47          |
| Sub-Total                  | 2425        | 2535        | 2474        | 2584        | 2668        | 2848        | 2963        |
| Engineering Licensees      | 46          | 41          | 33          | 24          | 30          | 38          | 34          |
| Geoscience Licensees       | 5           | 5           | 4           | 5           | 4           | 4           | 4           |
| <b>TOTAL</b>               | 2476        | 2581        | 2511        | 2613        | 2702        | 2890        | 3001        |
| Annual Growth              | 4.4%        | 4.2%        | -2.7%       | 4.06%       | 3.4%        | 7.0%        | 3.85%       |

| <b>Permits to Practice</b>                 | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> | <b>2008</b> | <b>2009</b> |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| In Province - Engineering                  | 130         | 130         | 130         | 134         | 124         | 132         | 137         |
| In Province - Geoscience                   | 17          | 18          | 20          | 18          | 18          | 19          | 16          |
| In Province - Engineering & Geoscience     | 7           | 7           | 6           | 6           | 8           | 9           | 9           |
| Total Permits in Province                  | 154         | 155         | 156         | 158         | 150         | 160         | 162         |
| Out of Province - Engineering              | 147         | 143         | 155         | 157         | 156         | 179         | 177         |
| Out of Province - Geoscience               | 8           | 7           | 8           | 7           | 8           | 8           | 9           |
| Out of Province - Engineering & Geoscience | 3           | 3           | 3           | 4           | 3           | 3           | 2           |
| Total Permits out of Province              | 158         | 153         | 166         | 168         | 167         | 190         | 188         |
| <b>Total Permits to Practice</b>           | 312         | 308         | 322         | 326         | 317         | 350         | 350         |

2009  
2010

## Professional Standards Director's Report



Leo White, P.Eng.,  
Professional Standards Director

### Role of Professional Standards Director

The Professional Standards Director (PSD) enforces the *Engineers and Geoscientists Act 2008* and provides direct and administrative support to the Complaints Authorization Committee and the Disciplinary Panel in all discipline matters.

The PSD also teaches a seminar offered four times each year to applicants writing the National Professional Practice and Ethics Exam and provides an ethics seminar to new Engineering and Earth Science graduates. Close liaison is maintained with Memorial University.

### Enforcement

Enforcement activities are mainly proactive and are focused on ensuring that individuals and firms obtain appropriate licensure.

While compliance continues to improve, there is a need for identification of issues and follow up on individual cases.

Most firms advertising for engineers and/or geoscientists advise potential candidates of the requirement for registration. PEGNL writes to those that do not and also to companies or individuals suspected of offering or providing

engineering and/or geoscience services to the public without licensure.

Several firms from outside the jurisdiction, suspected of providing engineering and/or geoscience services to the public, were investigated and written advising of the requirement to obtain a permit to practice and to have appropriately registered members with PEGNL. Generally, these actions are successful.

Several meetings have been held with representatives of larger projects to address appropriate licensure, but continued vigilance is needed.

### Discipline/Complaints

At the beginning of 2009, there were three active discipline files and no active complaint files.

During the year, one new discipline file and one new complaint file were opened and investigated by the PSD. As of July 1, 2009, the new *Engineers and Geoscientists Act 2008* came into effect and all five current discipline and complaints cases were referred to the Complaints Authorization Committee (CAC), a committee of Board members.

Under the new act, the CAC determines whether an allegation constitutes behavior deserving of sanction. The CAC continues to investigate five cases before it.

### National Discipline and Enforcement Activities

The Discipline and Enforcement (D & E) staff at Engineers Canada and the D & E representatives from the provinces and territories met in June 2009. A national D & E database and Library Project (summary of cases) has been implemented and work continues on a national "code of ethics".

### Committees

The PSD acts as staff liaison and support for the Environment Committee, with regular monthly meetings, and for the Consulting Practice Committee and the Structural Engineering Committee. These committees are all active and meet at the call of the chair as issues arise.

Several other PEGNL committees are active, including Naval Architecture and Marine Engineering.

# Complaints Authorization Committee



**Darryl Benson, FEC, P.Eng., Chair**

The PEGNL Board established the Complaints Authorization Committee (CAC), as required by the *Engineers and Geoscientists Act 2008 (Act)*.

The CAC must comprise of at least three Board members, and at least one of them must be appointed by the Minister to represent the public interest. The present committee includes six Board members, three of whom are appointed by the Minister.

The CAC Chair is Darryl Benson, FEC, P.Eng. and the Vice Chair is Terry Parsons. The other members are: Jennifer Williams, P.Eng.; Glen Mifflin, CA; Rod Churchill, P.Geo.; and Carl King, P.Eng.

The role of the CAC is to receive allegations, which must be in writing according to the Act, and to determine if the alleged conduct by the respondent is deserving of sanction. In making this determination, the CAC may: refer the allegation back to the Registrar for investigation or mediation; conduct an investigation itself or appoint a person to investigate on its behalf; conduct a practice review; or require the respondent to appear before it.

If the CAC believes that the conduct does not deserve sanction, it dismisses the allegation. If the CAC believes the conduct does deserve sanction, the allegation is then

considered to be a complaint. It may then caution or counsel the respondent; have the Registrar file the complaint and refer it to the Disciplinary Panel to conduct a hearing; or suspend or restrict the respondent's registration. Section 24 of the Act and the Regulations made pursuant to the Act governs the CAC in all of these functions.

When the CAC reaches a decision, it is written up with accompanying reasons and communicated in writing to both the complainant and the respondent within time lines specified by the Regulations. The complainant may appeal to the courts within 30 days.

The CAC held its first meeting in November 2009 and has met eight more times since then. On a normal operating basis, it is expected that the CAC will meet monthly. Its first work was to develop draft operating rules and procedures which are now in place and are being further developed.

At the outset, five ongoing cases, from the discipline process under the old Act, were handed over to the CAC. At this time, the CAC has reached a decision on three of the original five cases. No new cases have been referred to the CAC since it started operating in November 2009.



Dick Myers, FEC, P.Eng.

## Engineers Canada Director's Report

It has been my pleasure to serve as your Engineers Canada NL Director since June 2008.

During the last year, the main focus of the organization has been in the following areas:

**Strategic Plan** - a new Strategic Plan, for the period 2011 to 2015, is being put in place, subject to the Synergy Task Force's final report.

**Synergy Task Force** - the objectives of the Task Force were reported last year, and the final report to the Board will be presented at the May AGM.

**Raising the Profile of the Profession Campaign** - the campaign is moving ahead as per the original plan. This year's focus is teenagers. This has led us to a unique target market program centered on the Internet, since where else do you find most teenagers today? You may recall that previous target markets were employers of engineers and parents of future engineers.

I might add that I think the Raising the Profile of the Profession campaign is a very important initiative for Engineers Canada and, over the long term, will realize many benefits for the profession. We need to expand and continue this initiative for as long as it is needed.

**Government Relations** - In the Government Relations area, we have been placed on hold, so to speak. As you may understand, with a minority government in Ottawa (and has been for some time now), it is difficult to engage in meaningful, long term planning and dialogue with politicians who could be subject to a confidence vote or an election, at any time.

**Registration of Federal Government Engineers** - I am happy to report that the federal government has recently agreed in principle to the registration of most federal Government Engineers. We will be watching for real progress in the months to come.

### Position Papers

For a complete list of national position papers, on the following topics, please visit the Engineers Canada Website at: [www.engineerscanada.ca](http://www.engineerscanada.ca).

### Priority Issues

- 1) Climate change
- 2) Immigration & foreign credentials
- 3) Infrastructure
- 4) Drinking water quality
- 5) Mobility

### Other Issues

- 6) Emerging technologies - biotechnology
- 7) International mobility
- 8) Demand-side legislation
- 9) Qualifications-based selection
- 10) Education funding
- 11) Regulating the practice of engineering in Canada
- 12) Research & Development and innovative spending

### Questions, Comments, Concerns

If you have any questions, concerns, or points of view on any of these or other Engineers Canada issues, please E-mail me at your convenience, and let me know how we can be of better service to our members ([dickmyers@nl.rogers.com](mailto:dickmyers@nl.rogers.com)).

# CCPG Director's Report



Ian Atkinson, P. Geo.

It is with a heavy heart that I write my first report as the new CCPG Director. Dr. James Wright, P. Geo. - friend, colleague, mentor and former CCPG Director - passed away suddenly in January 2010. Jim has worked tirelessly for the CCPG and PEGNL for several years. He will be sorely missed.

In February 2010, Jim received, posthumously, the NOIA Outstanding Contribution Award in recognition of his significant role as a geoscientist who advanced the petroleum sector of Newfoundland and Labrador as a professor, researcher and entrepreneur.

The Canadian Council of Professional Geoscientists is the national organization made up of provincial and territorial constituent associations (CAs) that license professional geoscientists in Canada. At present, all provinces and territories, with the exception of Prince Edward Island and the Yukon, have legislated registration of professional geoscientists. The principal goal of the CCPG is to safeguard and promote the interests of the geoscience profession in Canada from a national perspective. The national meetings of the full Council were held in Fredericton (June) and Toronto (November).

In 2009, the significant tasks of the CCPG (outlined below) were advanced considerably through access to HRSDC funds that resulted from two successful proposals.

- **Geoscience Professional Practice Guidelines:** (\$95,000 for a 10 month project, provided through HRSDC's Labour Mobility Program). The lead objective is a framework document and collective common template for guidelines for professional practice that build on best examples in use in Canada and other parts of the world.

- **Canadian Geoscience Standards Board's Internationally Trained Geoscientists (ITG's) Initiative:**

(\$295,000, over the next 2 years, from HRSDC's Foreign Credentials Recognition Program). The project will facilitate work on developing a collective national approach to the consideration of ITG's.

- **CCPG Strategic Plan 2010-2015:** The Plan was accepted and approved at the Toronto meeting by a vote of the Directors.

- **Licensure Awareness Campaign:** 9 out of 10 CA's confirmed funding support for this program. The program will roll out in May, likely at the national convention, GeoCanada 2010.

- **GeoCanada 2010** will run from May 10-14, 2010 in Calgary. CCPG is fielding four sessions on professionalism in geoscience practise - Energy Practice, Mineral Exploration and Mining Practice, Geohazards Practice, Frontier Practice. PEGNL, APEGGA, and APEGS will host the Energy Practice session.



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## Engineers Canada Report



Chantal Guay, P.Eng., ing., M.Env.,  
CEO, Engineers Canada

Engineers Canada works in its members' interest and in protection of the public; and I sincerely thank PEGNL and its membership for their ongoing support. Over the past year, we have been working to improve the efficiency of our work and to determine how we can improve our communications with our constituent associations to move forward as an even stronger organization. I am proud of the work we are accomplishing together as our profession continues to directly benefit the nation's public.

Some of our collaborative efforts include:

**Synergy Task Force:** The Task Force has been exploring ways in which Engineers Canada could improve its processes to better serve its constituent associations and the engineering profession as a whole, and has been working on a proposal for a renewed organizational governance model that includes the following five principles:

1. Provide full and fair representation by the constituent members.
2. Ensure the commitment and engagement of the constituent members.
3. Provide role clarity on the activities/initiatives where the constituent members require Engineers Canada to develop a national consensus and take a lead role when requested.

4. Ensure open and transparent communications.
5. Ensure timely and committed decision-making.

**Goals of the Process Include:** improving, in reality and in perception, the effectiveness of Engineers Canada; leveraging the strengths of the constituent associations; and ensuring optimal communications necessary for mutually-beneficial relationships. The Synergy Task Force will finalize the proposal for consideration by the constituent associations and possible approval at the May 2010 annual meeting.

**From Consideration to Integration:** Following the successful development and implementation of 17 recommendations, the "From Consideration to Integration Task Force" stood down, with thanks. The numerous initiatives, resulting from the Task Force, are now moving forward with the profession, focusing on the value and importance of international engineering graduates to Canadian society, while emphasizing the inclusive, rigorous and ongoing nature of the profession's work in this area.

**National Engineering Summit:** The three-day national engineering summit, organized by members of the Canadian Engineering Leadership Forum, dealing with issues relating to health; environment; safety and security;

competitiveness in a global economy; and quality of life, took place last May in Montréal. The resulting Summit Declaration and the six acknowledgements are very much aligned with Engineers Canada's activities and priorities. For more information, see [www.engineeringssummit.ca](http://www.engineeringssummit.ca)

**Diversity Outreach:** With respect to diversity and equity concerns, we have proposed an integrated strategy for indigenous people outreach to the constituent associations for review and our Board has also approved in principle the wording of an agreement in principle with the Assembly of First Nations. In regards to women in engineering, our "Women in Engineering Task Force" is addressing impediments to the full participation of women in our profession, and has surveyed the constituent associations on their views of this issue. A workshop was held that resulted in mutually agreed-upon initiatives for further advancement in this area.

All of us at Engineers Canada will continue to work with our members and partners to promote the profession as an invaluable resource for industry, government and the public. Again, I thank PEGNL and its members for their ongoing support and look forward to the road ahead as we continue to build on our strategic relationships and partnerships.

# Awards Committee Report



Max Ruelokke, P.Eng., Chair



Dr. Rex Gibbons, P. Geo., Past Chair

Dr. Rex Gibbons, P. Geo., has concluded his term as chair of the committee and the committee members selected Max Ruelokke, P. Eng., to replace him. Rex has been a member of the Awards Committee for many years and had served as Chair for 10 years. He has agreed to continue as a member of the committee.

A number of committee members concluded their terms in 2009: Keith Smith, P. Eng., Jim Kennedy, P. Eng., and Bob Cameron, P. Eng. On behalf of the Awards Committee and PEGNL, Rex expressed thanks to those retiring members.

Three new members were recruited to replace them: Kim Keating, P. Eng., Lloyd Buglar, P. Eng., and Joanna Barnard, P. Eng. We welcome the new members.

This year, the Awards Committee made five nomination recommendations. In addition, the Environment Committee received four nominations for the Environmental Award, giving committee members a good selection from which to choose.

The Awards Committee annually requests and will receive nominations for PEGNL awards from Members at any time. PEGNL Member input for nominations is very important. Please note this and consider nominating someone now for

## Awards Committee

**Chair:** Max Ruelokke, P. Eng.

**Members:** Rex Gibbons, P. Geo.; Past Chair; Joanna Barnard, P. Eng.; Frank Blackwood, P. Geo.; Lloyd Buglar, P. Eng.; Ken Dominie, P. Eng.; Kim Keating, P. Eng.; Bill Legge, CET; Dr. John Quaicoe, P. Eng.; Steve McLean, FEC, P. Eng.; Keith White, P. Eng.

**Environmental Awards Sub-Committee:** Carolyn Anstey-Moore, P. Geo.; Ken Dominie, P. Eng.; Brad Jacobs, P. Eng.; Bob Picco, P. Eng.; Leo White, P. Eng.

next year. Details are available on the PEGNL website [www.pegnl.ca](http://www.pegnl.ca).

The Board of Directors considered the Committee's nominees and confirmed the following award recipients:

### Award of Merit:

**Art Cheeseman, P. Eng.;** **Susan Richter, FCSCE, P. Eng.;**  
**Dr. Derek Wilton, P. Geo.**

### Award for Service:

**Gordon Jin, FEC, FCSCE, P. Eng.**

### Early Accomplishment Award:

**Dr. John Hinchey, P. Geo.**

### Environmental Award:

**Abydoz Environmental Inc./Towns of Appleton and Glenwood:**

Kirkuth Bioreactor Engineered Wetland

### Other Environmental Award Nominees for 2010:

**Central Newfoundland Waste Management Committee/ BAE-Newplan Group Ltd.:** Solid Waste Management Plan;

**Nalcor and Newfoundland Power:** takeCHARGE Partnership; and **Government of Newfoundland and Labrador, Department of Environment:** Continuous Monitoring of Water Quality in a Small Stream.

2009  
2010

## Endowment Fund Report



Don Finch, FEC, P.Eng.,  
Chair

The Endowment Fund Board continues to use the services of Manulife Securities in the management of the Fund, and our investment advisor, Jim Templeton, regularly re-balances the investments mix to keep it in line with the Endowment Fund investment policy.

### Objectives:

The Fund's objectives are:

- to provide funding for an annual scholarship award of \$5,000.00;
- to make extra cash available for additional scholarships, when the value of the fund permits;
- to preserve capital in order to generate the required income for the annual scholarship; and,
- to seek capital appreciation, without undue risk, to increase the size of the award and/or the number of awards over time.

### Assets:

As of February 28, 2010, the market value of the Fund was \$443,335.39. As was reported in 2009, a donation of 5,000 shares of Bell Aliant Communications Income Fund was received in 2008. These shares were valued at \$135,000 at the time of transfer. The Canada Revenue

Agency (CRA) has advised us that, under the rules for not-for-profit charitable organizations, 80% of the value of that donation should have been disbursed in 2009. We are currently discussing this requirement with the CRA in an effort to have the rule waived.

As you will understand, the value of most of the holdings in the fund declined over 2008 in early 2009; however, there has been a significant rebound in value since then.

### Scholarship Awards:

The Endowment Fund Board has not presented any scholarships as yet this year. It has been decided to change our method of recruiting applicants/recipients of scholarships. The number and quality of applications received in response to PEGNL's advertising for the Engineering and Geoscience Awards for Excellence have declined in recent years. While the Committee has been

able to award the scholarships to high performing students, there has been little competition for the awards, especially from Earth Science students.

The Board discussed alternative ways of recruiting applicants and selecting recipients for the awards. In order to ensure that the Committee is able to award scholarships to deserving and successful students, it was decided to make an annual request of the Dean of Engineering and the Head of the Earth Sciences Department to identify qualifying students for the Committee. The students would be asked by the Dean/Head to prepare an application for submission to the Board. The details of how this process would work are currently under consideration.

The Committee is also considering ways of including financial need in awarding funds from the Endowment Fund. Discussion on this topic continues.

## Endowment Fund Committee

**Chair:** Don Finch, FEC, P.Eng.

**Vice Chair:** Geoff Emberley, FEC, P.Eng.

**Members:** Frank Davis, FEC, P.Eng.; Peter Dimmell, P.Geo.; Eric Jerrett, FEC, P.Eng.; Steve McLean, FEC, P.Eng.



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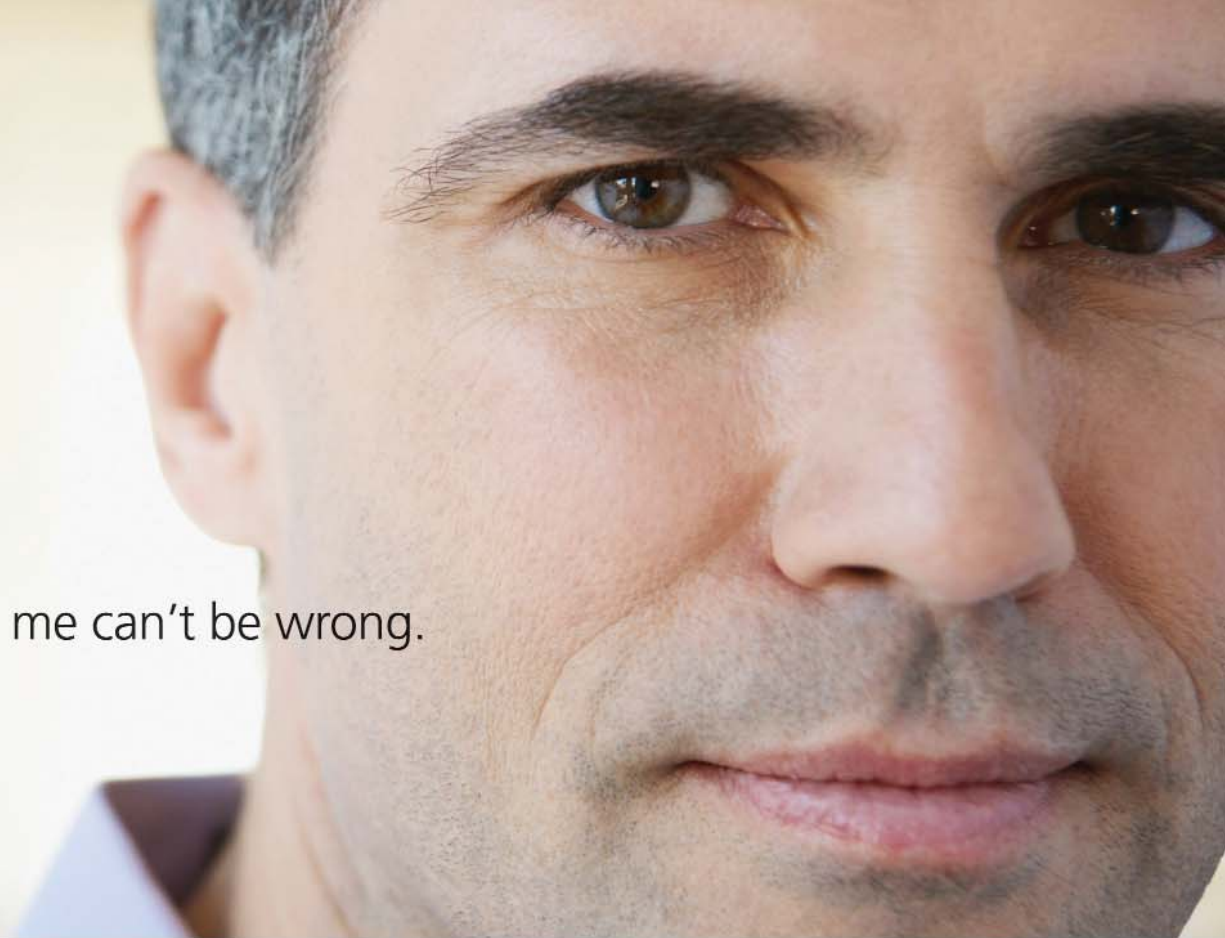
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# In Memoriam



**Dr. James (Jim) Wright, P. Geo.**

It is with deep regret that the Board of Directors of PEGNL mourns the loss of our colleague and friend Jim Wright who passed away on January 11, 2010 after a brief but courageous battle with cancer.

Dr. Wright was a vital participant and supporter of our association and was a provincial and national leader in the promotion of professionalism in geoscience.

Jim was a committed volunteer with PEGNL: he was Chair Elect of the Board of Directors; Vice-Chair of the Board of Examiners; and, until recently, represented our association at the Canadian Council of Professional Geoscientists and the Canadian Geoscience Standards Board.

In 2003, PEGNL conferred the Award of Merit on Jim in recognition of his outstanding contributions to the geoscience profession and to the local community and province.

In February 2010, Newfoundland and Labrador Oil and Gas Industry Association [NOIA] conferred its 2010 Outstanding Contribution Award, posthumously, to Dr. James Wright, P. Geo. - a teacher, researcher, entrepreneur and volunteer who devoted 40 years of his life to the oil & gas industry in Newfoundland & Labrador.

He will be greatly missed.

2009  
2010

## Volunteer Recognition

Professional Engineers and Geoscientists  
Newfoundland and Labrador  
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2nd Floor, 10 Fort William Place  
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Tel: 709-753-7714  
Fax: 709-753-6131  
Email: main@pegnl.ca

Professional Engineers and Geoscientists Newfoundland and Labrador [PEGNL] gratefully acknowledges the volunteers who devote countless hours to the business and issues of concern to the engineering and geoscience professions in Newfoundland and Labrador.

The strength of PEGNL, as a self-regulating professional organization, is based on its volunteers who are listed below. They act as mentors or interviewers, or members of the Board, committees and chapters. THANK YOU.

Carolyn Anstey-Moore, P.Geo.  
Ian Arbuckle, P.Eng.  
Ian Atkinson, P.Geo.  
Ray Bailey, P.Eng.  
Joanna Barnard, P.Eng.  
Gilbert Bennett, P.Eng.  
Scott Bennett, P.Eng.  
Darryl Benson, P.Eng.  
Frank Blackwood, P.Geo.  
Andrew Blundon, P.Eng.  
Lorne Boone, P.Eng./P.Geo.  
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