Ordre des ingénieurs du Québec

EXPLANATORY DOCUMENT

Bill 29 – Act to amend the Professional Code and other provisions in particular in the oral health and the applied sciences sectors

Ordre des ingénieurs du Québec

June 2019

Background

On June 5, 2019, the Minister of Justice introduced Bill 29 – *Act to amend the Professional Code and other provisions in particular in the oral health and the applied sciences sectors*.

This bill makes substantial changes to the *Engineers Act*, especially the provisions related to the practice of the engineering profession, the issuance of temporary permits and the control of the unlawful practice of the profession.

The Bill was drafted by the *Office des professions du Québec,* in collaboration with the Ministry of Justice.

This document, which was prepared by the Secretariat and Legal Services Direction of the *Ordre des ingénieurs du Québec*, provides an analysis of the provisions of the Bill that concern the *Engineers Act.* It is not a legal opinion or a brief, but an explanatory document intended to inform the reader about the proposed amendments to the Act in order to obtain engineers' comments on the Bill and to facilitate its understanding. It should not be considered as reflecting the position of the Order.

The comments received will be used to assist the OIQ in its deliberations on the Bill and determine, if appropriate, which amendments could be proposed in a brief submitted to MNAs.

History

1964	Adoption of the Engineers Act (chapter I-9)
1973	Addition of section 2 on industrial work and equipment involving public or employee safety
1998	Tabling of Draft Bill 98, which did not make it through the legislative process
1999	Tabling of the ministerial action plan to update Québec's professional system, including the Engineers Act
2004	Creation of an expert group (GERLI) by the *Office des professions* to review the Engineers Act and propose a description of both the engineering profession and the activities reserved for engineers, as well as the activities that may be practiced by professional technologists
2007	Tabling of the GERLI report, which would serve as the basis for subsequent bills
2012	Tabling of Bill 77, which did not make it through the legislative processdue to the call for elections
2013	Tabling of Bill 49, which did not make it through the legislative process

2018 Tabling of Bill 401, which did not make it through the legislative process due to the call for elections

2019 Tabling of Bill 29

Planned amendments to the Engineers Act

General comments

The Bill is primarilybased on the GERLI's recommendations.

It was also drafted in accordance with the drafting principles regarding professional laws that have been in effect for more than 20 years. More specifically, the Bill now provides for:

- a statutory definition of the "practice of the profession," which describes the main activities practiced by engineers and the scope of application, as well as the purpose of the profession;

- a list of reserved activities and, for five of them, the list of works to which they apply.

In Québec, reserving an activity for a category of people can only be done through leglislation. For an activity to be reserved, it must pose a serious risk of harm to the public, which must be demonstrated on an objective, scientific and acceptable basis, and the evidence, in this case, is that engineers alone possess the knowledge and skills to practice the concerned activity. Other criteria also apply, including the current regulatory framework for the activity and the economic impact of reserving the activity for certain people.

Furthermore, the Bill was drafted using a more conceptual approach than the current Act and proposes general definitions rather than detailed lists, particularly with regard to the reserved works. So, for example, thefinancial thresholds were removed and abstract concepts (structure, engineering principles, etc.) were used to ensure greater longevity for the Act so that itcan adapt more easily to technological and engineering developments. However, the use of such concepts sometimes makes it harder to understand the law.

The Bill includes some of the reserved activities that also appear in the current Act, but adds others concerning the design of works.

The Bill significantly improves the penal provisions of the Engineers Act and gives the OIQ's inspectors (called "investigators" in the current Act) greater means to perform their duties.

Yet, there are some items that could be improved to ensure that the Engineers Act is fully implemented and more easily understood by readers.

The table below presents excerpts from Bill 29 on the left and our explanations on the right.

SECTION 1 – DEFINITIONS	
1. In this Act and in the regulations made thereunder, unless the context indicates a different meaning, the following words mean: *(c)* "member": any person who holds a permit issued by the Order and is entered on the roll; *(f)* "structure": an assembly of components arranged to support a load.	The definition of "member" was amended to be consistent with the definition of "professional" in the *Professional Code*. The definition provided for the word "structure," which is used in the new sections 1.1, 2 and 3, is the definition proposed by the GERLI.
Section 1.1 – Description of the practice of engineering	
1.1. The practice of engineering consists, regardless of life cycle phase of works, in engaging in scientific analysis, design, execution, alteration, operation or advisory activities applied to structures and materials as well as to processes and systems that extract, use, exchange, transform, transport or store energy, information or matter in order to produce a reliable, safe and durable environment. The practice of engineering also consists in coordinating the work of persons who participate in the execution of engineering works. Respect for the environment and for life, the protection of property, heritage preservation and economic efficiency are part of the practice of engineering to the extent that they are related to the engineer's professional activities.	Section 1.1 adds a description of the practice of engineering. It aims to provide a summary description of the essential and intrinsic components and characteristics of the practice of engineering, by referring to the main activities generally practiced, the general areas of activity and the purpose of practicing the profession. Thus, this section provides a statutory definition of what constitutes the practice of the profession, which is no longer limited to the defined reserved works. It is worth noting that all professionals laws that have been passed since 1997 include such a description, in accordance with the guidelines established by the Office des professions in 1996 and 1997. According to the description, the practice of engineering is defined as a scientific activity applied to structures, materials, processes and systems in order to produce a reliable, safe and durable environment. In this case, the environment may include both the environment in which an engineering project is carried out and the works themselves.

	The practice of engineering applies throughout the life cycle of the works, which includes their design, execution, repair, demolition and even their recycling, where appropriate. The Bill also includes the coordination of the work, which includes engineering project management. Finally, the Bill specifies that respect for the environment, for life, the protection of property, heritage preservation and economic efficiency are part of the practice of engineering to the extent that they are related to the engineer's professional activities. Therefore, engineers who, as part of their profession, provide advice or perform activities related to subjects that are mentioned here are considered to be practicing the profession.

SECTION 2 – RESERVED ACTIVITIES

Remark:

The activities that only engineers may perform are described in section 2. They are divided into two categories:

- activities that are reserved only when they relate to works referred to in section 3; and
- activities that are independently reserved.

Reserved activities relating to reserved works	
2. The following professional activities in the practice of engineering are reserved to engineers when they relate to works referred to in section 3:	The following activities are reserved when they relate to works referred to in section 3 (see below).
(1) determining the concepts, parameters, equations or models that, on the basis of models derived from engineering principles, make it possible to anticipate the behaviour of structures, materials, processes or systems;	This activity consists in applying specific engineering knowledge regarding engineering principles and using models derived from these principles to anticipate the behaviour of engineering works.

	This activity generally takes place in the context of designing new works, but may also apply in the context of executing, altering or operating works when it is necessary to review the initially determined concepts, parameters, equations or models. The term “engineering principles” is not defined in legislation, but Engineers Canada describes it as the "professional application of mathematic, chemistry and physics principles or any other related applied subject” [Our translation]. Other such subjects may include mechanics, electromagnetism, thermodynamics and materials science.
(2) performing tests or calculations that require using models derived from engineering principles;	This activity is the counterpart to the one described in paragraph (1). Engineers who have to determine the concepts, parameters, equations and models base them on their analysis of the results of tests and calculations. It should be noted that only calculations based on engineering principles are reserved. For example, a calculation of a building’s construction cost depreciation is not an activity reserved for engineers.
(3) supervising work, particularly for the purpose of producing a certificate of compliance required under an Act; (4) inspecting works;	These activities are almost identical to those in section 3 *(c)* of the current version of the Engineers Act. The term “particularly” is not restrictive. All work supervision is reserved, even if no certificate of compliance is required.
(5) preparing, modifying, signing and sealing plans, estimates, reports, calculations, studies, drawings, operations or maintenance manuals, decommissioning plans or specifications.	This activity is similar to the one described in section 3 *(b)* of the current version of the Act, although it includes certain additional documents, such as operation or maintenance manuals, as well as decommissioning plans. However, the list seems incomplete, because it excludes various documents that are normally prepared by engineers, such as lifting plans or 3D models.

Other reserved activities	
(1) certifying the validity of results generated by computer systems or design assistance software whose fundamental algorithms require the use of concepts or models derived from engineering principles, during the design of such systems or software;	Certain activities are reserved for engineers, *even when they do not relate to works referred to in section 3.* This is a new reserved activity, which has no counterpart in the current Act. This activity consists in issuing an opinion on the reliability of the results generated by computer systems or design assistance software that use engineering principles during the design of these systems or, software. Yet, the creation of software or systems and their use are not in themselves reserved for engineers. This activity consists in certifying the validity of the results generated by computer systems or design assistance software based on engineering principles, during their design phase. Furthermore, the wording in paragraph (1) is not clear as to whether all computer systems requiring the use of concepts or models derived from engineering principles are concerned, as per the GERLI's recommendation, which would include the systems used to calculate pollutant emissions in the atmosphere for example, or only those computer systems that are used to assist with the design process.
(2) certifying the compliance of plans, estimates, specifications and operation or maintenance manuals with any mandatory standard based on concepts or models derived from engineering principles where that standard applies *(a)* to a mobile structure that requires using studies on the properties of the materials composing or supporting the structure; or	This activity consists in certifying the compliance of certain engineering documents with a mandatory standard based on engineering principles when this standard applies to certain mobile structures or systems. A structure or a system is described as "fixed" when, in the course of the operations of the works, the structure's or system's centre of mass is confined to a restricted space area. Following the Bill's logic, anything that is not fixed is therefore *mobile*.

(b) to a mobile system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form; and	The mobile structures contemplated in paragraph (2) (a) are structures that require studies on the properties of the materials composing or supporting them. This is meant to exclude less important structures, such as hammer handles or the backs of chairs, from the reserved activities. *Examples of works contemplated in paragraph (2):* - mobile structures: an airplane wing, the frame of a subway car, an artificial hip - mobile systems that generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form: a cell phone battery, a heart monitor, a boat propeller Finally, it should be noted that the only activity reserved for engineers in paragraph (2) is *certifying the compliance* of plans, estimates, specifications and operation or maintenance manuals with any *mandatory standard.* These documents may be prepared by a person who is not an engineer.
(3) as part of the practice of a professional activity referred to in the first paragraph or in subparagraph 1 of this paragraph, giving opinions and signing and sealing written opinions.	The activity described in paragraph (3) consists in signing and sealing written opinions. The conjunction “and” means "or" here. This activity is reserved only when it is linked to an activity described in the first paragraph (see the previous section) or as part of certifying the validity of software or computer systems. For instance, opinions issued in connection with scaffolding inspections will be reserved for engineers, as these works are fixed structures and are therefore concerned by section 3, unlike expert assessments of aircraft black boxes, which are not fixed systems that use energy in an electrical form.

SECTION 3 – RESERVED WORKS

Remark:

Reserved works are those referred to by the activities described in the first paragraph of section 2. Thus, even in the case of the works mentioned below, the only reserved activities are those described in section 2.

Buildings	
(1) structural components and mechanical, thermal or electrical systems of buildings, except *(a)* a building, other than an industrial occupancy, regarding which complete acceptable solutions provided for in Part 9 of the National Building Code, as incorporated into Chapter I of the Construction Code (chapter B-1.1, r. 2), are applied; and *(b)* an agricultural occupancy, other than a silo or a manure pit, in which no agri-food process is used and that, after the work is completed, i. has only one storey and does not exceed 600 m^2 of building area and 5 metres in height; or ii. has only two storeys, does not exceed 150 m^2 of building area and is not intended for breeding;	The works contemplated in this paragraph are foundations, frameworks and other structural components, as well as the mechanical, thermal and electrical systems of buildings, such as heating and air conditioning systems and probably elevators. However, some buildings are excluded, such as non-industrial buildings, when their design follows complete acceptable solutions provided for in Part 9 of the National Building Code. Basically, these buildings have no more than 3 storeys, including one at the basement level, and 600 m^2 of building area. If the designers do not use complete acceptable solutions, these buildings then become works reserved for engineers. Agricultural buildings are excluded from the reserved works when they satisfy the criteria provided for in subparagraphs i. or ii. However, silos and manure storage structures are still reserved works.
Fixed structures	
(2) a temporary or permanent fixed structure that requires using studies on the properties of the materials composing or supporting it, in particular a structure used	The concept of “fixed structure” covers a wide range of works, in addition to those mentioned in this paragraph, such as communications towers, tunnels, scaffolding, and so forth.

(a) for the transportation of persons, material or information, such as a bridge, road, crane, pipeline or tower or the structural components of a sewer; or *(b)* for the control or use of waters, such as a dam or retention basin or the structural components of waterworks;	The criterion of using studies on the properties of the materials was suggested by the GERLI. In fact, it suggested that "if the materials that will support the structure do not require specific studies on their properties (geotechnical, material resistance, etc.), it is not likely that the public would be harmed" [Our translation].
For the purposes of this section 3, a structure or system is fixed when, in the course of the operations of the works, the structure's or system's centre of mass is confined to a restricted space area.	A definition of fixed structure is provided here.
Energy systems	
(3) a fixed system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form, such as industrial equipment or a pumping system used to treat water, excluding a system whose malfunction does not present a risk for the safety of persons and a system intended for use by a single dwelling unit;	Like the concept of "structure," the concept of "system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form" is very broad and covers everything from pumps, hydropower plant turbines and surgical lasers to industrial equipment motors and much more. Since the concept of fixed system would even encompass reading lamps, the Bill excludes systems that do not pose any risk to public safety. Contrary to what the Bill suggests, industrial equipment is not composed of merely fixed systems that transmit or use energy. For instance, a retractable bridge is composed of a steel quadrilateral frame (fixed structure), winches and motorized components (systems that use energy in a mechanical form). The concerned systems are those that are fixed, as opposed to those that are mobile. These concepts are addressed above.

Embedded systems	
(4) an autonomous electronic or computer system for the operation of works referred to in this paragraph, including software.	This subparagraph covers the embedded systems of the previously mentioned works as well as those in industrial-scale processes (see below). Examples of these systems include industrial programmable logic controllers, automatic train stop systems on rail roads, as well as all building equipment control software, such as elevator management software.
Dependencies of a road	
Such professional activities also relate to the dependencies of a road.	The activities described in section 2 are also reserved when they concern dependencies of a road. The concept of “dependency of a road” covers culverts, shoulders, banks, ditches and road markings. The concept of “road” is possibly more limited than the concept of “public way.” The Office québécois de la langue française defines it as being a broad and well-travelled thoroughfare located in a rural or peri-urban area, linking two or more built-up areas” [Our translation], which excludes large urban boulevards.
Industrial-scale processes	
For the purposes of the first paragraph, industrial-scale transformation or extraction processes, excluding a process to extract a forest resource, are considered to be works.	Industrial-scale transformation or extraction processes are also considered reserved works. They cover a wide range of works, such as those used to upgrade oil, produce feed, make nitrocellulose products, non-ferrous metals or pharmaceutical products, treat water or recycle residual matter, regardless of whether the transformation process is based on physical, chemical or biological principles. Extraction processes cover boreholes, mining and other processes. Processes that are not industrial-scale processes, such as artisanal agri-food processes, are not reserved. The same applies to the supervision of wood

	harvesting operations, which falls within the field of expertise of forest engineers. However, it appears that the industrial-scale conditioning processes which are prevalent the agri-food and pharmaceutical industries are not included, and this could create some public protection challenges.
Excluded: private systems	
A system for the discharge, collection or treatment of waste water from an isolated dwelling referred to in a regulation made under the Environment Quality Act (chapter Q-2), as well as a private waterworks system and a private system for the treatment, disposal or reclamation of residual materials intended for use by a single dwelling unit having not more than six bedrooms, are excluded from the first paragraph.	The systems related to waste water from isolated dwellings that are concerned by a regulation and private systems used by a single dwelling unit with no more than 6 bedrooms are excluded from the reserved works.
Section 3.1 – Definitions	
For the purposes of section 3, “agricultural occupancy” means the occupancy or use, or the intended occupancy or use, of a building or of part of a building for an agricultural activity within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1); “building area” means the largest horizontal surface of the building above average ground level, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of firewalls; “dwelling unit” means a building or part of a building that provides sleeping accommodation for persons but is not used for the housing or detention of persons who require	Section 3.1 provides certain definitions that can be used to interpret subparagraphs (1) and (3), as well as the last paragraph of section 3. They are taken from the *Construction Code* (chapter B-1.1, r. 2)

medical care or for the involuntary detention of persons; and "industrial occupancy" means the occupancy or use of a building or of part of a building for assembling, fabricating, manufacturing, processing, repairing or storing products, goods or materials.	
Section 3.2 – The government's regulatory power with regard to works	
The Government may, by regulation: (1) exclude works from the application of section 3, in the cases and on the conditions it determines; and (2) determine any other works to which the professional activities referred to in the first paragraph of section 2 relate, in the cases and on the conditions it determines. The Government shall, before making such a regulation, consult the Office des professions du Québec and the Order.	This section allows the government, after consultation with the Office des professions and the OIQ, to add or remove works from section 3. It should be noted that such a regulation will follow the usual adoption process and be preceded by a consultation in the Gazette officielle du Québec.
Section 3.3 – Signing and sealing documents	
An engineer must sign and seal all plans and specifications that he has prepared in relation to works referred to in section 3.	Engineers are obligated to sign and seal documents. This obligation also partially restates the obligation found in section 3.04.01 of the Code of Ethics of Engineers and is the counterpart to section 24 (see below).

ARTICLE 4 – COLLABORATION WITH AN ARCHITECT	
For works referred to in subparagraph 1 of the first paragraph of section 3, an engineer may not take measurements, design layouts or prepare or modify plans, estimates, reports, calculations, studies, designs or specifications without the collaboration of an architect, unless the activity is related to an existing building and does not alter its form.	This section repeats the current section 4, with certain adjustments for the purpose of consistency.
SECTION 5 – EXCEPTIONS	
Nothing in this Act shall (1) infringe on the rights granted by law to architects, provided that they have the collaboration of an engineer for works referred to in subparagraph 1 of the first paragraph of section 3, or prevent them from collaborating with an engineer who retains their services for works referred to in that section; (2) infringe on the rights granted by law to another professional; (3) infringe on the rights granted by law to members of the Corporation of Master Pipe-Mechanics of Québec or the Corporation of Master Electricians of Québec; (4) prevent an owner, contractor, superintendent, foreman or inspector from acting in that capacity, as applicable; (5) prevent a person from engaging in an activity reserved to engineers, provided that the person does so in accordance with a regulation made pursuant to	The exceptions specified in subparagraphs (1) to (3) and (5) to (8) repeat the exceptions found in subparagraphs (a), (b), (c), (d), (e), (f), (g) and (h) of the current version of section 5. The exception specified in subparagraph (4) differs from its current counterpart, subparagraph (i). It no longer refers to the fact that the works must be carried out under the authority of an engineer. In reality, this should not have any significant consequences. The exception for graduates of the École de technologie supérieure is repealed. This exception was relevant when the Order did not issue permits for graduates of the *École de technologie supérieure* but allowed the holder to act as a technician. This situation changed at the beginning of the 1990's and this exception is not longer relevant. Also, the exception regarding employees is repealed. This amendment means that a person may not legally perform an activity under the immediate control and supervision of an engineer, unless the OIQ adopts a regulation along these lines. This new regulation will enablethe OIQ to better define the powers, duties and functions of the people who work with engineers, including those who work under their supervision.

subparagraph h of the first paragraph of section 94 of the Professional Code (chapter C-26); (6) prevent bacteriologists or physicists from engaging in their activities; (7) prevent a person from engaging in an activity relating to ore prospecting; (8) restrict the normal practice of the art or trade of artisans or skilled tradespersons; (9) prevent a municipality from supervising work it carries out itself insofar as the work is for minor repairs that do not alter the original design of the works; or (10) prevent a person from engaging in his activities in an educational institution, in particular activities related to teaching and research.	Two new exceptions appear. The first, which was requested by several municipalities, will allow a municipality to supervise work that it carries out itself, provided the work is for minor repairs and does not alter the original design of the works. It is not clear if this exception applies in the case where the work is carried out by a contractor on behalf of a municipality. The second exception covers the activities in an educational institution. Based on its wording, it seems that this exception does not apply in the case of off-campus activities.
SECTION 10 – REGULATION RESPECTING AUTHORIZATION	
The board of directors shall make a regulation pursuant to subparagraph h of the first paragraph of section 94 of the Professional Code (chapter C-26) to determine, from among the professional activities reserved to engineers, those that may be engaged in by professional technologists whose competency is in an engineering technology.	This section makes it mandatory for the OIQ to issue a regulation that authorizes professional technologists to perform specific activities. For that purpose, the OIQ may set relevant guidelines, such as the conditions in which these activities may be performed. If the OIQ does not issue this regulation, the *Professional Code* allows the government to pass one in its place.
SECTION 18 – TEMPORARY PERMITS	
The board of directors may, on the conditions it determines, issue a temporary permit, valid for a renewable period of not more than one year, for specific	Section 18 basically repeats sections 18 and 19 in the current Act, but gives the OIQ more latitude to set the conditions for this permit holder's practice.

work in connection with a specific project, to a person who is (1) the holder of a diploma in engineering, a bachelor's degree in applied sciences or an equivalent diploma issued by an educational institution recognized by the board of directors; or (2) a member of an association of engineers recognized by the board of directors.	
SECTION 22 – OFFENCES INVOLVING ILLEGAL PRACTICE AND UNLAWFUL USE OF THE TITLE	
No one who is not an engineer may (1) engage in a professional activity referred to in section 2; (2) assume the title of engineer alone or qualified; (3) use any title, designation or abbreviation which may lead to the belief that the person is authorized to practise the profession of engineer, or advertise himself as such; or (4) act as an engineer or in such a way as to lead to the belief that the person is authorized to act as such.	This section repeats the current section 22, with a few changes for the purpose of form.
SECTION 24 – PLANS AND SPECIFICATIONS NOT SIGNED AND NOT SEALED BY ENGINEERS	
No one may, for the carrying out of works referred to in section 3, use or allow the use of plans or specifications not signed and sealed by an engineer.	This section improves the current section 24 by adding the permission to use a plan or a specification not signed and sealed by an engineer in the description of the offence, as is the case in the Architects Act. For instance,

Despite the first paragraph, plans or specifications prepared outside Québec may be used for the carrying out of works provided they are related to a component integrated into other works and were specified and included in a document prepared by an engineer. Nothing in the first paragraph prevents the use of plans or specifications signed and sealed in accordance with the provisions of a regulation made pursuant to subparagraph h of the first paragraph of section 94 of the Professional Code (chapter C-26).	the OIQ may prosecute a municipality if it issues a building permit on the basis of plans that were not signed nor sealed by an engineer. Two exceptions have been added in this section. The first is that a plan or a specification prepared outside Québec, i.e. not signed and sealed by an OIQ member, may be used if the document has been integrated into an engineering document prepared by an OIQ member. The second exception, which is required for the purposes of consistency, ensures that using a plan signed and sealed by a person authorized for that purpose under an OIQ regulation is not an offence. Given that the industrial-scale processes are considered works only for the purposes of the first paragraph of section 3, it is not certain whether section 24 will allow the OIQ to prosecute a contractor who uses unsigned and unsealed plans and specifications to carry out such processes.
Section 24.1 – Offences and penalties	
Anyone who contravenes section 22 or 24 is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26). Penal proceedings for such an offence are prescribed three years after the date on which the prosecutor becomes aware of its commission. However, no proceedings may be brought if seven years have elapsed since the commission of the offence. A certificate from the secretary of the Order attesting to the date on which the Order became aware of the commission of the offence constitutes, in the absence of any evidence to the contrary, sufficient proof of that fact.	The penalties for an offence against the Act have been harmonized with those of the Professional Code, which significantly increases the penalty for an offence in section 24: although the maximum amount of the fine is currently limited to $10,000, it could from now on amount to $250,000 for a legal entity, or $62,500 for a natural person. The limitation period (prescription) for any offence against the Act has been extended to 3 years from awareness of its commission, whereas it used to be 1 year from the work concerned by the offence provided for in section 24.

SECTION 25 – INSPECTION	
Any inspector designated by the board of directors may (1) enter, at any reasonable hour, a place where works referred to in section 3 are located, including works in the process of being carried out, and a place where the carrying out of such works is planned, in order to verify compliance with this Act; (2) take photographs of the place and of the property located there; (3) require any information or document enabling the investigator to verify compliance with this Act; and (4) require any person who is on the premises to provide reasonable assistance. An inspector must, on request, provide identification and produce a certificate of authority signed by the secretary of the Order.	Investigators, now called “inspectors,” are granted additional powers and duties. They are authorized to verify compliance with this Act and not just compliance with section 24.
Section 25.1 – Document requests	
Any inspector may, by a request sent by registered mail or personal service, require any person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act.	Inspectors may request documents in writing, not just on site.

Section 25.2 – Immunity	
An inspector designated by the board of directors cannot be prosecuted for acts performed in good faith in the course of the inspector's duties.	This section grants inspectors immunity against legal prosecution. Inspectors already benefitted from this immunity under section 193 of the Professional Code, but the change of terminology makes it necessary to insert section 25.2 in the Engineers Act.
Section 25.3 – Offences involving hindrance	
Anyone who in any way hinders or attempts to hinder an inspector in the course of the inspector's duties, in particular by concealment or misrepresentation, by refusing to provide information or a document, by concealing or destroying a document the inspector is entitled to require or by refusing to give the inspector reasonable assistance is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).	Anyone who refuses to provide a required document or information, misleads an inspector or destroys the requested document may be prosecuted. The limitation period (prescription) for this offence is 1 year after the commission of the offence. This period may seem short, but it should not prevent the OIQ from instituting proceedings, since the offence is relatively easy to prove.

Next steps

Although they are not obligated to do so, the MNAs should examine the Bill in a parliamentary committee. The OIQ intends to submit a brief and it is highly likely that it will be invited to testify before the parliamentary committee.

For that purpose, it will use the comments it gathers during this consultation to enhance its deliberations and prepare proposed amendments, where necessary.

At the end of the parliamentary process, the Bill may be passed by the National Assembly and then be given assent by the Lieutenant-Governor of Québec.

If the Bill is adopted, the OIQ will adopt the regulations required to ensure the implementation of the Act, after consulting with engineers and other stakeholders. These regulations will need to be approved by the government.

APPENDIX: CONSISTENCY OF THE WORKS CONCERNED BY THE ACT

The table below is rather basic and does not include all the nuances that may be involved such as the specific nature of the given works. In the case of a lighthouse, for example, its lighting system is a fixed system that uses energy in an electrical form and the software that runs it is an embedded system.

Reserved works	
Current Act	**BILL 29**
▪ railways, public roads, airports, bridges, viaducts, tunnels and the installations connected with a transport system the cost of which exceeds $3,000 ▪ dams, canals, harbours, lighthouses and all works relating to the improvement, control or utilization of waters ▪ structures accessory to engineering works and intended to house them ▪ temporary framework and other temporary works used during the carrying out of works of civil engineering ▪ soil engineering necessary to elaborate engineering works	▪ temporary or permanent fixed structure that requires using studies on the properties of the materials composing or supporting it […] ▪ dependencies of a road
▪ waterworks, sewer, filtration, purification works to dispose of refuse and other works in the field of municipal engineering the cost of which exceeds $1,000	▪ temporary or permanent fixed structure that requires using studies on the properties of the materials composing or supporting it […] ▪ industrial-scale transformation or extraction processes […]
▪ works of an electrical, mechanical, hydraulic, aeronautical, electronic, thermic, nuclear, metallurgical, geological or mining character and those intended for the utilization of the processes of applied chemistry or physics	▪ fixed system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form, […] ▪ industrial-scale transformation or extraction processes, […] ▪ autonomous electronic or computer system for the operation of reserved works, including software.
▪ industrial work or equipment involving public or employee safety	▪ temporary or permanent fixed structure that requires using studies on the properties of the materials composing or supporting it […] ▪ fixed system to generate, accumulate, transmit, use or distribute energy in electrical, mechanical or thermal form, […]

	▪ industrial-scale transformation or extraction processes, […] ▪ autonomous electronic or computer system for the operation of reserved works, including software.
▪ foundations, framework and electrical and mechanical systems of buildings the cost of which exceeds $100,000 and of public buildings within the meaning of the Public Buildings Safety Act	▪ structural components and mechanical, thermal or electrical systems of buildings […]