

Technical Safety Review Consultation Feedback Summary – October 2007

Consolidated Act

Stakeholders felt that a consolidated Act would

- be easier to read and understand
- be a one-stop shop for requirements
- reduce administrative burden
- clarify roles and responsibilities, and
- provide an environment for all stakeholders that fosters competition, encourages innovation and promotes economic efficiency, while ensuring that the primary objectives of safety, protection of health and environment are not compromised.

Stakeholders cautioned that while it would be beneficial to streamline administrative procedures wherever possible, safety principles could not be compromised.

As well, for many stakeholders, their main concern was with the details of the regulations. Some found that the proposed Act did not identify areas of concern. Some believed that consistency would be improved with a new Act, and having the detailed requirements in Regulations would allow for easier revisions in the future to account for technological and ideological change.

Stakeholders expressed a desire to have input into the development of the regulations and to have further comment on the Act. (Note: The Technical Safety Advisory Group to the Minister reviewed the draft bill and provided feedback.)

Application

Stakeholders expressed that the Province must be bound by the Act. As well, there should be authority in the Act to exempt certain processes, establishments, bodies, or things from the Act and regulations.

Results / performance- based

Many stakeholders agreed with a results-based piece of legislation for a number of reasons:

- advanced technology / other technological solutions could be used
- administrative burden could be reduced
- equipment standards could be used
- cost to meet current code compliance could be reduced
- more options could be available to the engineers and architects to use newer technology or innovative solutions providing an equivalent level of safety.

Risk management approach

Some stakeholders were of the view that a risk management model has to consider the level of risk and those responsible for managing it. It was also noted that risk-based inspections require a strong enforcement component.

Governance model

A majority of stakeholders felt that the current governance model should continue.

Roles / Responsibilities

Most stakeholders felt that they understood their roles and responsibilities under the legislation. They were also of the view that a consolidated Act that provided for clear roles and responsibilities would be of great benefit and would lead to clearer accountability.

Power of personnel

It was observed that technical safety personnel must be able to address major emergencies and smaller individual emergencies. It was also requested that there be appropriate authority to create in regulations any type of inspection process required to meet the safety requirements for that technical discipline. As well, it was requested that there be appropriate authority to audit any facility or company that is licensed to ensure compliance.

Consistent approach to licensing

Most stakeholders supported a comprehensive and consistent approach to licensing and permitting, for the following general reasons:

- easier to comply
- one-stop shop for requirements
- reduce administrative burden
- clarification of responsibility, and
- level the playing field.

More specifically, stakeholders requested that the following issues be considered in relation to the above:

- Labour mobility / ability to recognize out-of-province licence to issue a permit
- Recognize a “*qualified maintenance person*” who is able to perform minor electrical and plumbing within our facilities
- Continuous education (upgrading) that is acceptable to the Public Safety Division as a requisite for keeping / renewing a licence
- System of “electrical contractor licensing” as exists in other areas of the country where there would be classifications for electrical contractors that includes opportunities for upgrading a licence
- Conditions under which a licence can be revoked
- User-maintenance agreements may give the ability to do annual maintenance without the need to obtain permits

- Need to be able to provide exemptions from permit / inspection requirements under emergency situations
- Enable existing staff to obtain required licensure / certification to maintain their positions.

Fees

For some stakeholders, the current level of inspection and enforcement services is satisfactory. A slim majority (40 to 38) was of the position that it would not support an increase in fees to recover costs for increased services. Those who would support an increase in fees said they would do so provided that there would be additional guidance and resources consistently available from the Department.

Appeals

Many stakeholders agreed with a streamlined approach to the current appeal structure. Stakeholders agreed that the following proposed changes to the current appeal process would be beneficial:

- e-filing
- resolution before going to appeal
- one-window access
- less paper work.

Stakeholders also expressed the following concerns:

- An effective and efficient system must be developed to establish an appeal board without compromising the quality of board membership and decisions.
- Appeals must be heard and decisions rendered by board members with the appropriate industry / trade background in order to gain the confidence of the parties be subjected to the appeal process.
- The new appeal board should hear all appeals under the new legislation.

Advisory body / process

Stakeholders largely agreed with the proposal of a single Advisory Board that utilizes subject expertise and provides a consistent message to the Minister based on best available advice.

Regulations / Code Adoption

There was a request to ensure that a new Act would allow authority to set in regulation the minimum qualifications and training required for work to be done. Stakeholders noted that industry needs to know when codes will be adopted, as not knowing affects training on the new code for inspectors and industry. It was also recommended that the Minister have the power to adopt codes / standards (to adopt portion of code; phase in code; or amend code). There was support for code adoption with exclusions / amendment capabilities.

It was noted that the ability to achieve equivalency to strict code compliance based on an engineered design with less strict requirements is seen as a benefit.

Review process

Many stakeholders applauded the technical safety review as being an “excellent initiative.

Stakeholders noted the following concerns:

- Progress of the review process should be reported regularly to the public
- As the consolidated Acts are implemented, a period of transition must be provided to employers
- There are far too many differences in the various Acts to allow for creation of a consistent framework for public safety.

Other

- Plain language rules would help increase understanding of requirements.
- The new Act should include an “alternate solutions provision” that would allow for innovative solutions to be implemented, or the for Act to accept new technology unforeseen at the time of drafting.
- The new Act should allow minor deviations from the codes or standards under certain instances and to waive specific requirements of a code where an alternate procedure or item is provided and considered acceptable.