



Definition

The following definitions apply in this policy:

- > **Government's regulatory reform commitment:** the government's commitment to maintain a zero net increase in regulatory requirements in British Columbia through December 2015
- > **Act:** the same meaning as in the *Interpretation Act* (and means an Act of the Legislature, whether referred to as a statute, code or by any other name, and, when referring to past legislation, includes an ordinance or proclamation made before 1871, that has the force of law)
- > **Legislation:** legislation that is drafted for inclusion in a Government Bill
- > **Regulation:** a regulation that must be deposited with the Registrar of Regulations under section 3 of the *Regulations Act*
- > **Regulatory authority:** a person or entity that has authority under a British Columbia statute to enact regulations that are not subject to Executive Council approval
- > **Regulatory requirement:** a compulsion, obligation, demand or prohibition placed by legislation or regulation on an individual, entity or activity
- > **Significant compliance burden:** that members of an industry or economic sector in the province have demonstrated that compliance with the proposed regulatory requirements or the proposed change in regulatory requirements would have a significant adverse effect on the the province-wide productivity or competitiveness of that industry or economic sector

Purpose

This Regulatory Reform Policy (the "policy") is directed by Executive Council to ensure that legislation, regulations and administrative and compliance policy meet regulatory criteria approved by the Executive Council on August 15, 2001.

The policy is based on the framework for carrying out the government's regulatory reform commitment approved by Executive Council on August 15, 2001.

Application

This policy applies to all proposed legislation, regulations and related policy.

Compliance with Regulatory Criteria Checklist

The responsible minister or head of a regulatory authority, as the case may be, must ensure that proposed legislation and regulations are evaluated according to the regulatory criteria set out in the [Regulatory Criteria Checklist](#).

Exemptions from Regulatory Criteria

The regulatory criteria contained in the [Regulatory Criteria Checklist](#) do not apply if the responsible minister or head of a regulatory authority, as the case may be, certifies that, in his or her opinion, the legislation or regulation satisfies one or more of the following conditions:

- > is non-regulatory in nature;
- > changes fees in respect of a financial year by an annual rate that has been approved by Treasury Board;
- > relates only to the procedures or practices of a court or tribunal;
- > is required under a national uniform legislation or regulatory scheme, or by federal legislation that has already been assessed against criteria similar to that provided in the Regulatory Criteria Checklist;
- > is fundamentally declaratory or machinery in nature, such as housekeeping changes that clarify or correct a provision without changing procedural requirements;
- > is consolidated and revised under the revision powers in Part 2 of the Regulations Act Regulation;
- > is transitional in nature; or
- > the special circumstances of the case, as identified by the responsible minister or head of the regulatory authority, make it impracticable to comply with the regulatory criteria.

Regulatory Criteria Forms

The responsible minister must include a signed copy of the [Regulatory Criteria Checklist](#) or a signed copy of the [Regulatory Criteria Exemption Form](#) with:

- > legislation that is submitted as a draft for Executive Council review;
- > an Order in Council that is being recommended by the responsible minister to the Executive Council to enact a regulation.

The head of a regulatory authority must sign a [Regulatory Criteria Checklist](#) or a [Regulatory Criteria Exemption Form](#) for a regulation that is not subject to Executive Council approval.

Copies of the signed [Regulatory Criteria Checklist](#) and [Regulatory Criteria Exemption Form](#) completed for legislation, Orders in Council and regulations must be provided to the Regulatory Reform Branch.

Regulatory Criteria Checklist Made Public

The responsible minister or head of a regulatory authority, as the case may be, must make the signed [Regulatory Criteria Checklist](#) available to the public, upon request, at no charge when the legislation to which the checklist applies is introduced, or the regulation to which the checklist applies is enacted.

Government's Baseline Count

The government's regulatory count baseline is the total number of regulatory requirements imposed by, and under the authority of all Acts as of June 5, 2001. This includes regulatory requirements contained in regulations and policies flowing from an Act.

Count Updates and Reporting

Ministries update the Regulatory Requirement Database with changes in the number of regulatory requirements imposed by, or under the authority, of all Acts for which their minister is responsible.

Under the policy, ministries report regulatory reforms and the changes in the number of regulatory requirements resulting from proposed legislation and regulations.

See [How We Count](#) for more on the regulatory requirements count and instructions on how to count.



Regulatory Criteria Checklist

Including Small Business Lens

The purpose of the checklist is to demonstrate that legislative and regulatory changes have been developed according to the regulatory reform policy, while still protecting public health, safety and the environment.

Name of authorizing legislation:

Name of regulation, if applicable:

Purpose:

Regulatory Criteria

Criteria Met

Please enter an explanation for all NO answers on page 3

1. Reverse Onus: Need is Justified

- > Has the public policy been defined?
- > Has the scope of the public policy problem been assessed?
- > Is government intervention necessary to address the problem?
- > Can a flexible policy be designed to fit different circumstances?
- > Is there a way compliance can be voluntary?

Yes No

2. Cost-Benefit Analysis

- > Is the benefit to government or external partners worth the increased cost to small business and those who must comply?
- > If the regulatory requirements will impose a *significant compliance burden*, has a formal cost-benefit analysis of the legislation or regulation been completed?
- > Have the impacts of the requirements on small business been analyzed?

Yes No

3. Competitive Analysis

- > Has the impact of the requirements on British Columbia's economic competitiveness been assessed?
- > Have the requirements been compared with other relevant jurisdictions?
- > Have the regulatory requirements been analyzed for compliance with British Columbia's obligations under the Trade, Investment, and Labour Mobility Agreement?

Yes No

4. Streamlined Design

- > Do the requirements avoid or eliminate duplication or overlap with federal or local government requirements, or those of other ministries?
- > Can they be streamlined, harmonized with or incorporated into existing legislation/regulation/policy?
- > Has business process mapping been undertaken to streamline the requirements and lessen the time needed by small business to comply?

Yes No

5. Replacement Principle

- > Will one regulatory requirement be eliminated for each new regulatory requirement introduced by the legislation or regulation?

Yes No

6. Results-Based Design

- > Does the design reflect government's commitment to regulatory requirements that are results-based and use scientific evidence?
- > Have market incentives been considered to achieve compliance and regulatory objectives?

Yes No

Regulatory Criteria

Criteria Met

Please enter an explanation for all
NO answers on page 3

7. Transparent Development

- > Are the requirements transparent for ease of access, understanding and compliance?
- > Has consultation occurred with small business during the development of the requirements?
- > Has small business had the opportunity to see and comment on the proposed requirements?

Yes No

8. Time and Cost of Compliance

- > Has the amount of time required by small business to comply been reduced?
- > Can compliance occur with existing resources of small business (e.g. no additional staff, accountant, lawyer, is required)?
- > Is additional paperwork for small business required (costing time and money)? If additional paperwork results, can this be incorporated into or streamlined with existing paperwork?
- > Can compliance occur without training for small business? If training is needed, is it equally accessible to the rural areas of the province and for persons who do not have access to high speed (broad band) Internet?
- > Have government service standards been set (e.g. response or turnaround time)?
- > Have steps been considered to ensure that those who administer the requirements will respond in a timely way to those who are affected by the requirements?

Yes No

9. Plain Language

- > Have the requirements been drafted in plain language and in a way that facilitates compliance?

Yes No

10. Simple Communications

- > Will this change be communicated?
- > Can it be described in less than one page?
- > Can it be added to existing small business information sources such as the Small Business BC website?

Yes No

11. Sunset Review/Expiry Principle

- > Has a date been set to review the requirements to ensure continued relevancy, or does the legislation or regulation contain a sunset provision for requirements to expire?

Yes No

Number of Regulatory Requirements to be added:

Number of Regulatory Requirements to be eliminated:

NET CHANGE:

Date:

Signature, Responsible Minister or Head of Regulatory Authority

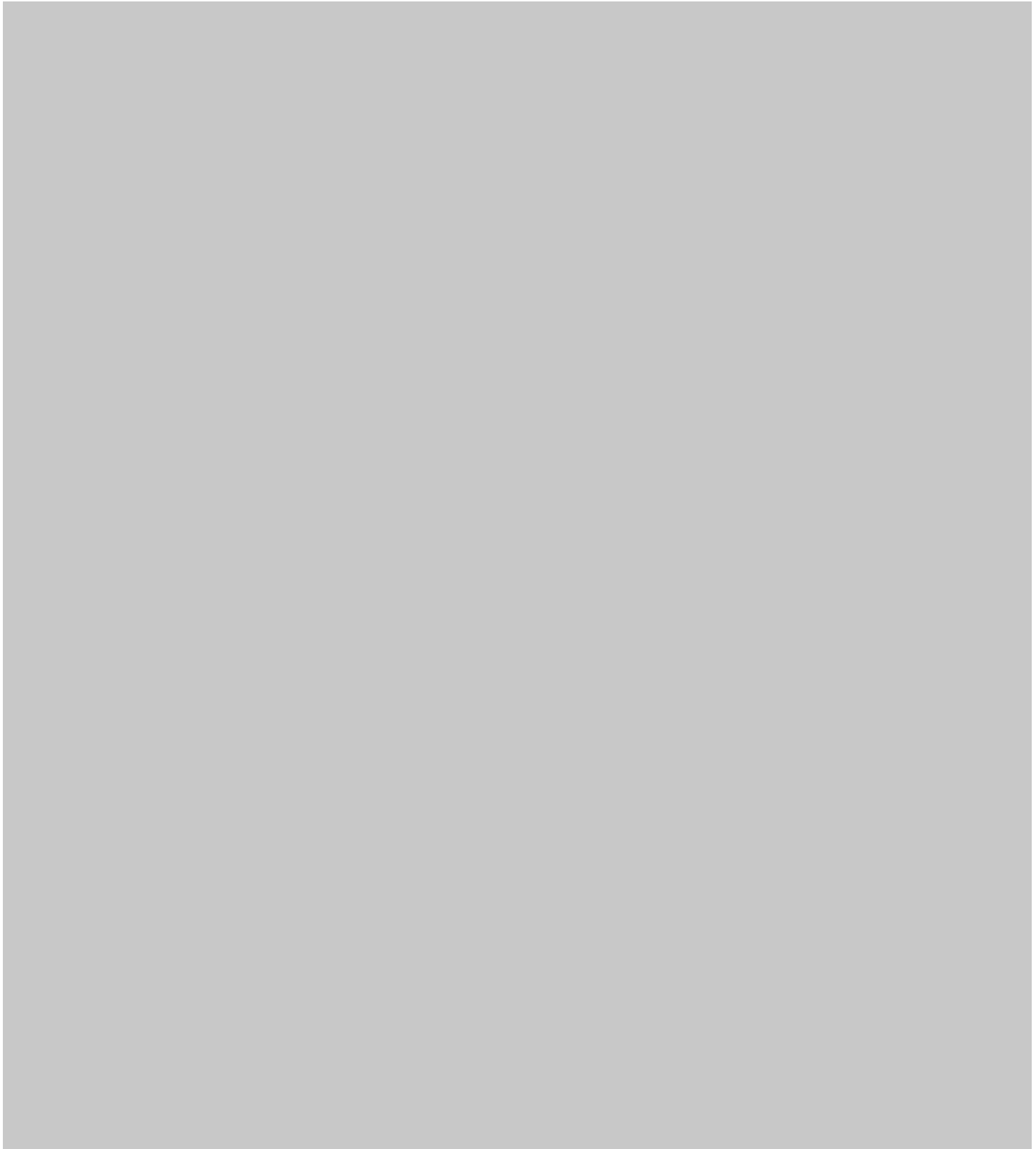
Ministry/Agency Name:

Contact Name:

Additional Information

If you have answered no to any criteria above, please provide an explanation below. If you have answered no more than once, please indicate which criteria the explanation applies to.

If more than one item is included on this form, please provide a breakdown of the count below.





Regulatory Criteria Exemption Form

Name of authorizing legislation:

Name of regulation, if applicable:

Purpose:

I certify that the proposed legislation or regulation satisfies the following condition or conditions under the Regulatory Reform Policy and, therefore, the regulatory criteria do not apply.

Check all boxes that apply:

- Is non-regulatory in nature
- Changes fees in respect of a financial year by an annual rate that has been approved by Treasury Board
- Relates only to the procedures or practices of a court or tribunal
- Is required under a national uniform legislation or regulatory scheme, or by federal legislation that has already been assessed against criteria similar to that provided in the Regulatory Criteria Checklist
- Is fundamentally declaratory or machinery in nature, such as housekeeping changes that clarify or correct a provision without changing procedural requirements
- Is consolidated and revised under the revision powers in Part 2 of the Regulations Act Regulation
- Is transitional in nature
- Special circumstances, as identified by the responsible minister or head of the regulatory authority make it impracticable to comply with the Regulatory Criteria

Please explain briefly:

Number of Regulatory Requirements to be added:

Number of Regulatory Requirements to be eliminated:

NET CHANGE:

Date:

Signature, Responsible Minister or Head of Regulatory Authority

Ministry/Agency Name:

Contact Name: