

GOVERNMENT OF BRITISH COLUMBIA REGULATORY REFORM POLICY

(Revised February 6, 2008)

Definitions

1. The following definitions apply in this policy:

“government’s regulatory reform commitment” means the government’s commitment to maintain a zero net increase in regulatory requirements in British Columbia through December 2012;

“legislation” means legislation that is drafted for inclusion in a Government Bill;

“regulation” means a regulation that must be deposited with the Registrar of Regulations under section 3 of the *Regulations Act*;

“regulatory authority” means 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” means a compulsion, obligation, demand or prohibition placed by legislation or regulation on an individual, entity or activity;

“significant compliance burden” means 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 province-wide productivity or competitiveness of that industry or economic sector.

Purpose

2. 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.
3. 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

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

Compliance with Regulatory Criteria Checklist

5. 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 attached to this policy.

Exemptions from Regulatory Criteria

6. 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:

- (a) is non-regulatory in nature;
- (b) changes fees in respect of a financial year by an annual rate that has been approved by Treasury Board;
- (c) relates only to the procedures or practices of a court or tribunal;
- (d) 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;
- (e) is fundamentally declaratory or machinery in nature, such as housekeeping changes that clarify or correct a provision without changing procedural requirements;
- (f) is consolidated and revised under the revision powers in Part 2 of the Regulations Act Regulation;
- (g) is transitional in nature;
- (h) 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

7. The responsible minister must include a signed copy of the Regulatory Criteria Checklist or a signed copy of the Regulatory Criteria Exemption Form with:
 - a) legislation that is submitted as a draft for Executive Council review;
 - b) an Order in Council that is being recommended by the responsible minister to the Executive Council to enact a regulation.
8. 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.
9. Copies of the signed Regulatory Criteria Checklists and Regulatory Criteria Exemption Forms completed for legislation, Orders in Council and regulations under sections 7 and 8 must be provided to the Regulatory Reform Office.

Regulatory Criteria Checklist Made Public

10. 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.

Attachments: Regulatory Criteria Checklist Including Small Business Lens
Regulatory Criteria Exemption Form
Regulatory Requirement Count Summary

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: _____

If the answer is “NO” to any of the below criteria, please attach an explanation.

Regulatory Criteria	Criteria Met
1. Reverse Onus: Need is Justified	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none">- 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?	
2. Cost-Benefit Analysis	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none">- 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 <u>significant compliance burden</u>, has a formal cost-benefit analysis of the legislation or regulation been completed?- Have the impacts of the requirements on small business been analyzed?	
3. Competitive Analysis	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none">- 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?	
4. Streamlined Design	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none">- 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?	
5. Replacement Principle	<input type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none">- Will one regulatory requirement be eliminated for each new regulatory requirement introduced by the legislation or regulation?	

6. Results-Based Design

YES NO

- 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?

7. Transparent Development

YES NO

- 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?

8. Time and Cost of Compliance

YES NO

- 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?

9. Plain Language

YES NO

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

10. Simple Communications

YES NO

- 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?

11. Sunset Review/Expiry Principle

YES NO

- 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?

<p>Number of Regulatory Requirements to be added:</p> <p>Number of Regulatory Requirements to be eliminated:</p> <p>NET CHANGE:</p>
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Responsible Minister or Head of Regulatory Authority

Date

Ministry/Agency and Contact: _____

Regulatory Criteria Exemption Form

Title of Legislation/Regulation* _____

**If Regulation, Title of Authorizing Legislation:* _____

Purpose of Proposal (One-line Summary): _____

I certify that the proposed legislation or regulation satisfies the following condition or conditions under section 6 of the Regulatory Reform Policy and, therefore, the regulatory criteria do not apply:

Check all appropriate boxes:

- 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;
- 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. *If special circumstances apply, briefly explain:*

Number of Regulatory Requirements to be added: Number of Regulatory Requirements to be eliminated: NET CHANGE:

Responsible Minister or Head of Regulatory Authority

Date

Ministry/Agency and Contact: _____

COUNT OF REGULATORY REQUIREMENTS

SUMMARY

REGULATORY COUNT DEFINITIONS:

- a) **Act** has 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).
- b) **Regulation** means a regulation that must be deposited with the Registrar of Regulations (see *Regulations Act*, section 2).
- c) **Regulatory Authority** means an authority empowered by or under a provincial Act to administer or enforce statutes.
- d) **Policy** means an interpretative policy of general application associated with an Act that is issued by a regulatory authority to assist with administering or enforcing statutes and regulations. While policy “requirements” are not binding, they do contribute to administrative and compliance costs. (Note: do not count policy “requirements” if they simply restate or have been counted as requirements as part of an act or regulation.)
- e) **Regulatory Requirement** means a compulsion, obligation, demand or prohibition placed on an individual, entity or activity by or under the authority of a provincial Act, regulation or related policy. (Note: discretionary powers are not included.)

GOVERNMENT’S BASELINE COUNT

1. 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.

REGULATORY COUNT UPDATES AND REGULATORY REFORM POLICY REPORTING

2. 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.
3. Under the Regulatory Reform Policy, ministries report regulatory reforms and the changes in the number of regulatory requirements resulting from proposed legislation and regulations.
4. For updating and reporting purposes, a search for words such as “must” or “shall” or “return” may help to identify regulatory requirements.

EXAMPLES: (bold indicates requirements)

- A.** Section 2(1) of the former *Cattle (Horned) Act*, RSBC 1996, Chapter 375 contained nine regulatory requirements:

A dealer who purchases cattle with horns *must*

- (a) **purchase** them at the current market price for cattle that are polled or that have been dehorned,
- (b) **pay** that price to the vendor, less \$2 per head for each head of cattle with horns purchased, and
- (c) **make** a monthly return to the minister in the prescribed form, setting out
 - (i) **all purchases** of cattle with horns during the previous calendar month,
 - (ii) **the date and place** at which and the **name and address of the person** from whom each purchase was made, and
 - (iii) the **number of cattle** with horns purchased.

- B.** Section 27 of the Swimming Pool, Spray Pool and Wading Pool Regulation (BC Reg. 289/72) under the *Health Act* contains four regulatory requirements:

Pool basin finish and surface

27 A swimming pool basin *shall* have a

- (a) **final finish** which is white or light in colour,
- (b) **smooth bottom surface** where the water depth is more than 5 feet, and
- (c) **non-slip surface** which causes no discomfort to bare feet on the **walls** and on the **bottom surfaces** where the water depth is less than 5 feet.