

## Regulatory Criteria Forms

### Regulatory Reform Policy March 2002

In accordance with the Regulatory Reform Policy, proposed legislation or regulations must be accompanied by either:

- the Regulatory Criteria Exemption Form, or
- the Regulatory Criteria Checklist

#### Definitions

In addition to the definitions in section 1 of the Policy, the following definitions apply:

*administrative requirements* are regulatory requirements imposed on those who must search for, collect, review or send information to a government agency. Under the terms of the Regulatory Reform Policy, two administrative requirements must be eliminated for every one introduced.

*regulatory requirement* includes a compulsion, obligation, demand or prohibition placed on an individual, entity or activity.

*significant compliance burden* means that:

- (a) 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; or
- (b) the annual costs to the regulator to administer and enforce the proposed regulatory requirements are estimated at \$5 million or greater.

## Regulatory Criteria Exemption Form

**Title of Legislation/Regulation** \_\_\_\_\_

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;
- provides for the commencement of an Act or regulation or the commencement of a provision of an Act or regulation;
- 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:**

**If applicable:**

**Number of Regulatory Requirements being introduced:** \_\_\_\_\_

\_\_\_\_\_  
**Responsible Minister or Head of Regulatory Authority**

\_\_\_\_\_  
**Date**

Province of British Columbia Office of Deregulation

Regulatory Criteria Checklist

Title of Legislation/Regulation \_\_\_\_\_

If the answer is “No” for any of the criteria, please attach explanation.

Regulatory Criteria	Criteria Met	
1. Reverse Onus: Need for Regulation is Justified	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Regulatory Design is Results-Based	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Transparent Development of Regulatory Requirements	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Cost-Benefit Analysis Completed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Competitive Analysis Completed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Regulatory Requirements Avoid or Eliminate Duplication with Other Jurisdictions	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Timeliness	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Plain Language	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Sunset Review and Expiry Provisions	Sunset Review provision: <input type="checkbox"/> Yes <input type="checkbox"/> No	Sunset Expiry provision: <input type="checkbox"/> Yes <input type="checkbox"/> No
10. Replacement Principle Applied	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Number of Regulatory Requirements being introduced: \_\_\_\_\_

\_\_\_\_\_  
Responsible Minister or Head of Regulatory Authority

\_\_\_\_\_  
Date

## Province of British Columbia Office of Deregulation

### Regulatory Criteria *Explanation and Guidelines*

Regulatory Criteria	Issues to Consider:
<b>1. Reverse Onus: Need for Regulation is Justified</b>	Has the public policy problem been defined? Is government intervention necessary to address the problem? Is it clear that regulation is preferred to other alternatives to address the public policy problem?
<b>2. Regulatory Design is Results-Based</b>	Does the design reflect government's commitment to regulation that is results-based, using scientific evidence and, where feasible, market incentives to achieve compliance and regulatory objectives?
<b>3. Transparent Development of Regulatory Requirements</b>	<ul style="list-style-type: none"><li>• Have interested parties had an opportunity to present their views during the development of the regulatory requirements?</li><li>• Have the views of interested parties had any impact on the final design of the regulatory requirements?</li></ul>
<b>4. Cost-Benefit Analysis Completed</b>	<ul style="list-style-type: none"><li>• Have the impacts of alternatives been analyzed?</li><li>• If the regulatory requirements will impose a significant compliance burden, has a cost-benefit analysis been undertaken?</li></ul>
<b>5. Competitive Analysis Completed</b>	<ul style="list-style-type: none"><li>• Has the impact of the proposed regulatory requirements on British Columbia's economic competitiveness been assessed?</li><li>• Have the regulatory requirements been compared with equivalent regimes in other relevant jurisdictions (e.g., Alberta, Ontario, Washington State)?</li></ul>
<b>6. Avoid or Eliminate Duplication with Other Jurisdictions</b>	Do the regulatory requirements avoid or eliminate duplication or overlap with requirements imposed by the federal or local governments?
<b>7. Timeliness</b>	Have steps been considered to ensure that those who administer the regulatory requirements will respond in a timely way to those who are affected by the requirements?
<b>8. Plain Language</b>	Have the regulatory requirements been drafted in plain language?
<b>9. Sunset Review and Expiry Provisions</b>	Is there a Sunset Review provision and a Sunset Expiry provision? Are there reasons why either provision cannot or should not apply to the regulatory requirements?
<b>10. Replacement Principle Applied</b>	<ul style="list-style-type: none"><li>• Will two administrative regulatory requirements be eliminated for every new administrative regulatory requirement contained in the legislation or regulation; or</li><li>• Have steps been taken to consider the cumulative burden imposed by the regulatory requirements?</li></ul>