Definitions

1. The following definitions apply in this policy:

   “government’s deregulation commitment” means the government’s New Era commitment to reduce the red tape and regulatory burden in British Columbia by 1/3 over 3 years;

   “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 an significant adverse effect on the province-
wide productivity or competitiveness of that industry or economic sector.

Purpose

2. The following definitions apply in this policy: This Regulatory Reform Policy (the “policy”) is directed by Executive Council to ensure that legislation and regulations 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 deregulation commitment approved by Executive Council on August 15, 2001.

Application

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

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 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) provides for the commencement of an Act or regulation or the commencement of a provision of an Act or regulation;

(g) is consolidated and revised under the revision powers in Part 2 of the Regulations Act Regulation;

(h) is transitional in nature;

(i) 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 attach a signed copy of the Regulatory Criteria Checklist or a signed copy of the Regulatory Criteria Exemption Form to:

   (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 attach a signed copy of the Regulatory Criteria Checklist or a signed copy of the Regulatory Criteria Exemption Form to a regulation that is not subject to Executive Council approval when that regulation is made public.

9. Copies of the signed Regulatory Criteria Checklists
Regulatory Reform Policy

and Regulatory Criteria Exemption Forms attached to legislation, Orders in Council and regulations under sections 7 and 8 must be provided for the information of the Minister of State for Deregulation

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 at no charge when the legislation to which the Checklist applies is introduced, or the regulation to which the Checklist applies is enacted.

Attachment:
- Regulatory Criteria Exemption Form
- Regulatory Criteria Checklist
- Regulatory Criteria Explanation & Guidelines

Last Updated September 10, 2002
Government of British Columbia Regulatory Reform Policy  
(Revised August 2002)

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:*

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

Responsible Minister or Head of Regulatory Authority ____________________________ Date ____________________________

REGULATORY REFORM POLICY AUGUST 2002
### Regulatory Criteria Checklist

#### Title of Legislation/Regulation

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

<table>
<thead>
<tr>
<th>Regulatory Criteria</th>
<th>Criteria Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reverse Onus: Need for Regulation is Justified</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>2. Regulatory Design is Results-Based</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>3. Transparent Development of Regulatory Requirements</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>4. Cost- Benefit Analysis</td>
<td>□ Yes □ No  □ Not Required</td>
</tr>
<tr>
<td></td>
<td>If Not Required, Impacts have been Analyzed</td>
</tr>
<tr>
<td></td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>5. Competitive Analysis Completed</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>6. Regulatory Requirements Avoid or Eliminate Duplication with Other Jurisdictions</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>7. Timeliness of Regulatory Response</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>8. Plain Language</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>9. Sunset Review and Expiry Provisions</td>
<td>Sunset Review provision □ Yes □ No</td>
</tr>
<tr>
<td></td>
<td>Sunset Expiry provision □ Yes □ No</td>
</tr>
<tr>
<td>10. Replacement Principle Applied</td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

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

Responsible Minister or Head of Regulatory Authority: ___________________________ Date: ___________________________
### Regulatory Criteria Explanation and Guidelines

<table>
<thead>
<tr>
<th>Regulatory Criteria</th>
<th>Issues to Consider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reverse Onus: Need for Regulation is Justified</td>
<td>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?</td>
</tr>
<tr>
<td>2. Regulatory Design is Results-Based</td>
<td>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?</td>
</tr>
<tr>
<td>3. Transparent Development of Regulatory Requirements</td>
<td>Have interested parties had an opportunity to present their views during the development of the regulatory requirements?</td>
</tr>
<tr>
<td></td>
<td>Have the views of interested parties had any impact on the final design of the regulatory requirements?</td>
</tr>
<tr>
<td>4. Cost-Benefit Analysis</td>
<td>• If the regulatory requirements will impose a significant compliance burden, has a formal cost-benefit analysis of the legislation or regulation been completed?</td>
</tr>
<tr>
<td></td>
<td>• If a formal cost-benefit analysis is not required, have the impacts of the legislation or regulation been analyzed?</td>
</tr>
<tr>
<td>5. Competitive Analysis Completed</td>
<td>Has the impact of the proposed regulatory requirements on British Columbia’s economic competitiveness been assessed?</td>
</tr>
<tr>
<td></td>
<td>Have the regulatory requirements been compared with equivalent regimes in other relevant jurisdictions (e.g., Alberta, Ontario, Washington State)?</td>
</tr>
<tr>
<td>6. Avoid or Eliminate Duplication with Other Jurisdictions</td>
<td>Do the regulatory requirements avoid or eliminate duplication or overlap with requirements imposed by the federal or local governments?</td>
</tr>
<tr>
<td>7. Timeliness of Regulatory Response</td>
<td>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?</td>
</tr>
<tr>
<td>8. Plain Language</td>
<td>Have the regulatory requirements been drafted in plain language?</td>
</tr>
<tr>
<td>9. Sunset Review and Expiry Provisions</td>
<td>Is there a Sunset Review provision and a Sunset Expiry provision? If not, what are there reasons why either provision cannot or should not apply to the regulatory requirements?</td>
</tr>
<tr>
<td>10. Replacement Principle Applied</td>
<td>Are two regulatory requirements eliminated for every new regulatory requirement to be introduced by the legislation or regulation?</td>
</tr>
</tbody>
</table>