

Briefing Note–Decision- Act/Regulation/By-Law Change

Act/Regulation/By-Law Change<Title of Agenda Item>

Purpose: [State issue/decision required of Council and the origin/context]

Motion(s) to consider: (requires a 2/3 majority of votes cast to carry)

[Record the proposed motion (specify who will do what, at what cost – impact to the budget, and by when)]

To amend the Act/Regulation 941/260/By-Law #1 to.....

[Reference the authority (Act, Regulation, By-law,) to support the proposed motion. Attach a copy or extract of the referenced authority in the appendices.]

[If the Item is to be dealt with in-camera, indicate the reason (see By-law s.15(4)).]

Prepared by: [Identify the author]

Moved by: [Identify a Councillor who will move the motion(s)]

1. Need for PEO Action

- Identify the issue or opportunity that requires action by Council, why it is an issue or opportunity and what is internally and/or externally creating or “driving” it.
- Identify the current regulatory authority (Act, Regulation, By-law) for the issue or opportunity
- Identify what regulatory change (Professional Engineers Act, Regulation 941 or 260, or By-Law #1) is required to implement or support the resolution
- Identify the desired timeline/deadline for implementation
- Identify the timeliness (urgency)

2. Proposed Action / Recommendation

- Outline the proposed action and describe the rationale for the recommendation

Note: full policy, financial and legal implications should be outlined in this section or attached in appendices

3. Next Steps (if motion approved)

- Outline the specific next steps to be taken to implement the motion
- Identify who will be consulted in the implementation of the motion(s) and how will they be consulted
- Identify any assumptions, external dependencies or constraints on PEO’s ability to move ahead (e.g. additional budget allocation, impacts on Reserve, requires Act, Regulation or By-Law changes)

[meeting number, type and date]

4. Peer Review & Process Followed

<p>Process Followed</p>	<p>Outline the Policy Development Process followed.</p> <ul style="list-style-type: none"> Describe the specific policy development route followed: include the dates of each step of the process; describe the purpose of each step taken. Include how the motion was initiated (i.e. Council initiated; committee initiated; etc.); and identify which committees or other stakeholders were involved Include comments on policy intent and recommendations received from the Legislation Committee (required by the Regulatory Policy Protocol)
<p>Council Identified Review</p>	<p>Identify who is to be consulted; how they will be consulted and what kind of response is expected.</p> <ul style="list-style-type: none"> Include direction provided by Council regarding who was to be consulted, at what stage and by what method, date direction provided, date of consultations, date issue is to be brought back to Council and who is to incorporate the comments received as a result of the consultation into any final report.
<p>Actual Motion Review</p>	<p>Detail peer review and relevant stakeholder review undertaken</p> <ul style="list-style-type: none"> Include chronology of events and motion history; provide dates and meeting numbers when the issue or motion was presented to Council or the Executive Committee. Indicate who reviewed the motion; describe how the motion was reviewed (written comments; meetings; survey; etc.) Include the status of the approval (i.e. approve, disapprove, abstain, not asked, etc.). List all identified relevant stakeholders that were not involved in the motion review. Identify the peer group, how they were consulted and what feedback they provided.

Note: full chronology of events, motion history and reports should be attached in appendices; lengthy reports should include a 1 page (max.) executive summary

5. Appendices

- Appendix A – Completed Preliminary Regulatory Impact Assessment

Preliminary Regulatory Impact Assessment

1. Proposal and Context

- Describe the scale of the risk/issue and how it has developed over time (support this with evidence). Identify the underlying causes
- Describe the proposal and how it will address the risk/issue

2. Approach and Intended Outcomes

Key questions:

- What regulatory changes are proposed?
- What are the changes meant to achieve?
- Why is the use of regulation the most appropriate approach?
- Could the outcome be met through a policy/guideline instead?
- What regulatory and non-regulatory options were considered?

3. Affected Stakeholders

The purpose of the following section is to identify stakeholders that will be affected by the regulatory proposal, and briefly describe the anticipated impact (whether a cost or a benefit). These factors will be considered in the determination of whether a full Regulatory Impact Assessment (RIA) is required.

Individuals (specific groups or consumers) (yes/no)

If yes, please provide a brief description of the impacts:

- Will their health or safety be better protected? How?
- As consumers, will they have benefit from greater access to quality goods at reasonable prices? Is consumer information, choice or confidence affected? Are they better protected from risky goods and services? Is access to public services affected?
- Will the financial position of individuals and families be worsened? Be enhanced?
- Will vulnerable groups be impacted differentially? What about men and women?
- Will basic rights, freedoms, privacy or access to justice be improved? If so, how?
- Will labour mobility be enhanced? Impaired? How?
- Will the proposal have a differential impact on people or communities? For example, will some clients have different access and quality of health care than others?

Businesses (yes/no)

If yes, please provide a brief description of the impacts:

- Will some close as a result of the proposal? Might others prosper? Could this proposal help or hinder new or emerging businesses to break into markets?
- Will the proposal increase/decrease compliance costs and/or administrative burden?
- Will small and medium enterprises likely be hit harder than larger firms?
- Will the ability of businesses to access goods, services, labour or financing be affected?
- Will the proposal entail the withdrawal of certain products from the market? Is the marketing of products limited or prohibited? Will it entail stricter regulation of the conduct of particular businesses?
- Will investment be impacted?
- Will the ability of businesses to innovate be affected?

Non-profit Groups (yes/no)

If yes, please provide a brief description of the impacts:

- What non-profit groups might be affected?

- Would goods and services offered by non-profit groups be affected?
- Would the proposal affect non-profit operations, funding or ability to attract funding?

Communities (yes/no)

If yes, please provide a brief description of the impacts:

- Will the proposal affect all Ontarians equally, or will it disproportionately impact more on urban, rural or remote areas?
- Are public transit users or longer distance commuters affected differently from others?
- Are particular parts of Ontario more affected than others (e.g. the GTA versus Eastern Ontario versus Northern Ontario)?
- How do these impacts come about (e.g. through job loss, affecting property rights, access and quality of health care)?
- Will they be felt in the short or longer term?

Governments (yes/no)

If yes, please provide a brief description of the impacts on the Government of Ontario itself, on the BPS/MUSH sector (Municipalities, Universities, School boards and Hospitals), other provinces and territories or the federal government:

- Will Ontario have to increase its expenditures on the regulatory program if the proposal goes forward (e.g. on cost of additional inspectors)?
- Does the proposal have consequences for other public authorities such as budgetary or compliance costs?
- Will there be an impact on the public services provided by governments?
- What about Crown agencies?

4. Type of Impact

The purpose of the following section is to identify and describe the types of impacts anticipated as a result of the regulatory proposal. These factors will be considered in the determination of whether a full RIA is required.

Health and Safety (yes/no)

If yes, please provide a brief description of the impacts:

- Does the proposal affect quality of life, life expectancy, mortality or morbidity? Directly or indirectly?
- Is the proposal likely to have positive impacts or effects that enhance quality of life?
- Are health improvements expected from changes to the environment (noise, air, water, soil)?
- Does the proposal affect lifestyle-related determinants of health such as diet, physical activity or use of tobacco, alcohol or drugs?
- Does the proposal affect security, crime or terrorism?
- Does the proposal affect the regulated entity's chances of detection or of potential gain from non-compliance?
- Does it affect enforcement capacity?

Environment (yes/no)

If yes, please provide a brief description of the impacts. Under the Environmental Bill of Rights (EBR), factors in determining the impact of a proposal on the environment include:

- The extent and nature of the measures that might be required to mitigate or prevent any harm to the environment that could result from a decision whether or not to implement the proposal.

- The geographic extent, whether local, regional or provincial, of any harm to the environment that could result from a decision whether or not to implement the proposal.
- The nature of the private and public interests, including governmental interests, involved in the decision whether or not to implement the proposal.
- Any other matter that the minister considers relevant.

Social Impacts (yes/no)

If yes, please provide a brief description of the impacts:

- Does the proposal affect those in certain income groups more than others? Does it affect those in certain age groups more than others such as youth or seniors?
- Will the proposal impact on the preservation of cultural heritage? Affect cultural diversity? Affect people's access to cultural resources?
- Does the proposal embody the principle of non-discrimination, equal treatment and equal opportunities for all? Will there be different impacts on women and men? Could it lead to indirect discrimination?
- Does the proposal challenge cultural traditions?
- Will providing this program, or improving access to it, help to narrow the gap between those who are financially best and worst off in terms of health outcomes?

Trade (yes/no)

If yes, please provide a brief description of the impacts:

- What impact (positive or negative) does the proposal have on the free movement of goods, services, capital and workers across borders?
- Will any additional costs or other factors affect the ability of firms to compete with similar firms in other jurisdictions?
- Is the proposal likely to affect trade or investment flows between Ontario, Quebec, other provinces and territories? Other countries?
- Does the proposal respect Ontario's trade obligations? Are trade barriers erected or torn down?
- Are international standards employed if possible? Do common regulatory approaches or international regulatory dialogues exist?

Economy (yes/no)

If yes, please provide a brief description of the impacts:

- Does the proposal facilitate or impede new job creation? Are particular professions, trades, groups of workers, or self-employed persons affected?
- Does it lead to a well-functioning labour market, or will it impede labour mobility?
- Are property rights affected (land, movable property, tangible/intangible assets)? Is acquisition, sale or use of property rights limited?
- What impacts, if any, will there be on markets? Will there be less or more choice, higher or lower prices, more or less competition, fewer or more barriers for new suppliers and service providers, more or less market segmentation?
- Does it promote greater productivity or resource efficiency?
- Are there any consequences of the proposal for economic growth and employment?
- Does it contribute to improving the conditions for investment and the proper functioning of markets?
- Will the proposal stimulate or hinder research and development (academic or industrial)? Facilitate the introduction and dissemination of new production methods, technologies and products? Affect intellectual property rights (patents, trademarks, copyright, other know-how rights)?

Other (yes/no)

If yes, please provide a brief description of the impacts:

- Provide a brief description of other effects that are sufficiently important that they warrant inclusion in the PRIA. For instance, if a proposal is a key part of a broader government priority initiative, how the proposal would affect the broader initiative would likely to be worth noting.

5. Costs

Are direct compliance costs likely to exceed \$2 million per year? **(yes/no)**

- Provide an average annual estimate of direct compliance costs. If the costs are not the same for every year, use an estimated average cost over a reasonable time period (e.g. 10 to 25 years).
- Note: At this stage, costs will be a preliminary estimate based on readily available information (such as consultations with stakeholders, etc.), not the result of in-depth analysis.

*Depending on the answers to these questions, a full Regulatory Impact Analysis may be required.