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Treasury Board
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Secretariat



Marika Hare,
Ontario Energy
Board



Christopher
B. Hynes,
Transport
Canada



Robert B.
Warren,
WeirFoulds LLP



Fidèle
Ndayisenga,
Treasury Board
of Canada,
Secretariat



as well as:

Janet King,
Treasury Board
of Canada,
Secretariat

Margot Priest,
Environmental
Protection
Review
Canada

From Theory to Practice

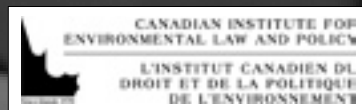
MANAGING the REGULATORY FUNCTION

Developing Effective Regulatory Initiatives

February 16 & 17, 2010, Ottawa

Inaugural Two-Day Event!

sponsored by:



**Workshop Included: Regulatory Reform Best Practices:
Reducing Overlap, Duplication and Inconsistencies**

participating organizations

Environmental Protection Review Canada
Fraser Milner Casgrain LLP
Heenan Blaikie LLP
Ontario Energy Board
Government of Canada's Policy Research Initiative (PRI)

Stikeman Elliott LLP
Transport Canada
Treasury Board of Canada, Secretariat
WeirFoulds LLP

who should attend

Senior-level public servants from all government levels responsible for the regulatory function as well as executives from federally regulated private-sector companies

course highlights

- Look at best practices for developing and sustaining processes and frameworks for regulatory reform
- Examine best practices for public consultation in the regulatory reform process
- Examine best practices for the planning and development of effective RIA statements
- Explore the concept of smart regulations and the process for transitioning to them
- Examine a regulator's duty of care and ways to go about minimizing the risk of liability
- Examine best practices for conducting and applying risk assessment as part of the development of regulatory initiatives
- Examine the requirements of the CDSR for the regulatory process
- Examine the steps involved in establishing a performance measurement and evaluation framework for a regulatory initiative

FACULTY

COURSE LEADERS

GREG KANE

Greg Kane is a senior and founding partner of the Ottawa office of Stikeman Elliott LLP. His practice is devoted to administrative law and he is head of the firm's telecommunications law practice. He has appeared before many federal and provincial agencies and departments as well as the Federal and Supreme Courts of Canada in judicial proceedings to review or appeal department and agency decisions.

JOHN F. BLAKNEY

John F. Blakney is a Partner in the Ottawa office of Fraser Milner Casgrain LLP. His practice focuses on administrative law and federal regulation of business conduct including pricing, advertising and marketing practices, product approval, design, product safety, competition and international trade matters, with a particular emphasis on the food, drug, communication and high tech sectors.

PAUL DE CIVITA

Paul De Civita is Senior Director of the Government of Canada's Policy Research Initiative (PRI), Regulatory Strategy Project. A native of Montreal, Paul earned his degrees in economics from McGill University and Carleton University. Since 1989, Paul has been employed by the Government of Canada in various departments and agencies with regulatory mandates serving as a director overseeing regulatory impact analyses and strategic policy development. As a senior director, he currently leads the Regulatory Strategy Project at the Government of Canada's Policy Research Initiative.

MOHAN DENETTO

Mohan Denetto is Director, Regulatory Policy Division, at the Treasury Board of Canada Secretariat. He has worked in a number of Canadian federal departments including the Canadian International Development Agency, Department of Fisheries and Oceans, and Health Canada. He is currently a Policy Analyst with the Privy Council Office, Regulatory Affairs, responsible for managing the regulatory cooperation component of the Security and Prosperity Partnership of North America.

CHRISTOPHER B. HYNES

Christopher B. Hynes is Chief, Regulatory Projects with the Aviation Security Regulatory Review Project. He is involved in policy research, as well as regulatory analysis, and regulatory framework development in the field of Canadian aviation security.

JANET KING

Janet King is a Senior Advisor at the Centre of Regulatory Expertise, Regulatory Affairs, of the Treasury Board of Canada Secretariat.

FIDÈLE NDAYISENGA

Fidèle Ndayisenga is a Senior Advisor for the Centre of Regulatory Expertise, Regulatory Affairs, at the Treasury Board of Canada, Secretariat. He advises and coaches government departments and agencies on costs and benefits analyses as required by the CDSR.

MARGOT PRIEST

Margot Priest is Chief Review Officer at Environmental Protection Review Canada.

ROBERT B. WARREN

Robert B. Warren is Partner at WeirFoulds LLP. Recognized as one of Canada's leading regulatory lawyers, he specialises in the energy, environmental and transportation fields. His practice is in the field of public law advocacy, specializing in energy, environmental and transportation law. He has extensive experience before provincial and federal regulatory agencies, and on appeals and judicial review applications from the decisions of those agencies.

CO-LECTURERS

CYNTHIA AMSTERDAM

Cynthia Amsterdam joined Heenan Blaikie as a partner in the Commercial Litigation group in 2000. She practises out of our Calgary and Toronto offices. She has a broadly based commercial and securities litigation practice that includes professional liability and disciplinary defence and international trade disputes. She is frequently retained as defence counsel in professional misconduct complaints.

MARIKA HARE

Marika Hare joined the Ontario Energy Board in 2006 as Managing Director, Regulatory Policy Development. In 2008 she assumed the position of Managing Director of Applications & Regulatory Audit. Previous to the OEB she was with Enbridge Gas Distribution where she held a variety of positions during her 15 years with the company, including Director Regulatory Affairs.

COURSE PROGRAM

MANAGING A COST-BENEFIT ANALYSIS FOR AN EFFECTIVE REGULATORY INITIATIVES

While quantifying how effective your regulatory reform has been can be a challenge, the weighing of the cost and benefits of these initiatives is an integral step in any reform process. This session examines the skills required to conduct a cost-benefit analysis as well as best practices for managing the process.

- The role and benefits of cost-benefit analysis in the regulatory process
- Key elements of a cost-benefit analysis: impact of CDSR
- Methods used for measuring costs and benefits
- Quantifying social and environmental costs and benefits of regulatory reform
- Determining how important the non-quantified benefits or costs may be in the context of the overall analysis
- Reporting the findings of your cost-benefit analysis
- Consulting with business stakeholders and the public: seeking the opinions of those affected by the regulation and those with special knowledge or insight into the regulatory issue
- Hints, tips & pitfalls associated with conducting a cost-benefit analysis

CONDUCTING A RISK ASSESSMENT FOR DEVELOPING REGULATORY INITIATIVES

The proper conduct of risk assessment is critical during the process of developing regulatory initiatives. While government is inconsistent in performing risk assessments, it is beginning to develop risk assessment standards and guidelines to assist in the process. This session will examine best practices for conducting and applying risk assessment as part of the development of regulatory initiatives.

- Managing a risk assessment during the regulatory process
- Risk assessment based on scientific information and an examination of the public environment and citizens' risk tolerance
- Assessing risk from an interdepartmental perspective: ways to improve consistency and coordination of departmental efforts
- Risk analysis best practices
- Risk assessment methods and techniques

PLANNING AND DEVELOPING EFFECTIVE REGULATORY IMPACT ANALYSIS STATEMENTS

A Regulatory Impact Analysis (RIA) statement, developed before new government regulation is introduced, provides a detailed and systematic appraisal of the potential impacts of the new regulation in order to assess whether the regulation is likely to achieve its desired objectives. In doing so, regulatory impact analysis has become an increasingly used tool by which governments attempt to cope with complex public policy issues. This session will examine best practices for the planning and development of effective RIA statements.

- The role of RIAs
- How RIA is being mainstreamed into policy processes
- Best practices in the preparation of RIA statements for regulatory initiatives
- The Cabinet Directive on Streamlining Regulation: framework for planning and developing effective RIAs

THE CABINET DIRECTIVE ON STREAMLINING REGULATION (CDSR): IMPACT ON DEVELOPING, IMPLEMENTING AND EVALUATING REGULATIONS

The Cabinet Directive on Streamlining Regulation applies to all departments and agencies involved in the federal regulatory process. Government officials are required to follow the Directive and its series of frameworks and documents during the development, implementation, evaluation and review stages, as it provides detailed guidance for the regulatory process. This session examines the requirements of the CDSR for the regulatory process.

- Overview of the Directive and its series of frameworks and documents
- Planning and developing effective RIAs in accordance with the requirements of the Cabinet Directive on Streamlining Regulation
- Recent changes under the CDSR
- CDSR impact on regulatory performance measurement

AVOIDING POTENTIAL LIABILITY IN THE DEVELOPMENT OF REGULATORY INITIATIVES: DUTY OF CARE

Public authorities in Canada have been held to owing a private law duty of care to public in certain instances, further adding to the task of regulators involved in the development of regulatory initiatives. Regulators will wish to steer clear of any potential liability in the development of regulations, especially in the realm of public health and safety. This session will examine a regulator's duty of care and ways they can go about minimizing the risk of liability.

- Overview of a regulator's duty of care: potential negligence issues in the development of regulatory initiatives
- Risk management in fulfilling duty of care
- Potential liability for regulators and government in the course of the regulatory process
- The test for determining whether a duty of care is owed
- The criteria for determining negligence in the carrying out of the duty of care

PERFORMANCE MEASUREMENT AND EVALUATION FOR REGULATORY INITIATIVES

To be considered effective, regulations must deliver on their intended policy objectives, as regulators must account for their performance, with much more emphasis being placed on accountability in government. In the initial stage of the regulatory process, regulators should announce the results they wish to attain, the manner in which they intend to measure them as well as when and at what frequency they will report on them. This session will examine the steps involved in establishing a performance measurement and evaluation framework for a regulatory initiative.

- Developing and reporting on key performance indicators
- Latest developments on evaluating regulatory programs and initiatives
- Establishing a data collection strategy
- Requirements of the CDSR and a performance-based regulatory system
- Establishing effective benchmarking processes to measure regulatory reform benefits

HORIZONTAL REGULATORY PROGRAM ASSESSMENTS OF THE FEDERAL GOVERNMENT

Over the years, there have been several government initiatives to change the regulatory process in Canada. A key initiative was the Nielsen Task Force, established to ensure "better service to the public and improved management of government programs." Nielsen can be seen as a starting point in a series of horizontal regulatory program assessments of the Federal government. This session will address:

- The incremental value of such assessments
- The various structures within and without government for identifying options for increasing regulatory efficiency
- Various and often contradictory measures of efficiency in the regulatory process and regulatory results

DEVELOPING REGULATIONS WITH PUBLIC CONSULTATION

For regulations to be truly effective and garner widespread acceptance, there has to be an understanding of the needs of all stakeholders and the establishment of a process that takes account of the evolving priorities of key government, business and community groups. Through accurate and widespread consulting practices, you can obtain a complete picture of your core objectives as you enter into the regulatory reform process. This session will examine best practices for public consultation in the regulatory reform process.

- The alternatives available for maximizing consultation
- Balancing competing interests when undertaking effective regulatory reform
- Creating a communication networks that provides for ongoing dialogue with key stakeholders
- Involving stakeholders and industry groups in reform

TRANSITIONING TO SMART REGULATION: A REGULATORY STRATEGY FOR CANADA

Smart Regulation aims to generate social and environmental benefits from the regulatory process while enhancing conditions for a competitive and innovative economy. It focuses on making regulation as effective as possible, while reducing their complexity and cost. The key to smart regulation is governing cooperatively for the public interest. However, one of its biggest challenges is its sustained implementation and translation into new departmental practices. This session will explore the concept of smart regulations and the process for transitioning to them.

- Creating an effective regulatory system that is self-renewing
- Taking into account the views of citizens and businesses
- Opportunities provided by smart regulation
- Key challenges to the adoption of smart regulations

WORKSHOP

REGULATORY REFORM BEST PRACTICES: REDUCING OVERLAP, DUPLICATION AND INCONSISTENCIES

There is growing agreement within government that regulatory reform is becoming essential in order to take the realities of today's society into account. When conducted effectively, regulatory reform can result in lower cost, higher productivity and greater opportunity, while reducing overlap, duplication and inconsistencies. This session will look at best practices for developing and sustaining processes and frameworks for regulatory reform to operate effectively toward better regulation.

- Introducing practices to identify and eliminate duplication and unnecessary regulation
- Steps for implementing better regulation initiatives
- Improving collaboration and support within and between government bodies
- Measuring and reducing red tape and administrative burdens

MULTIMEDIA PRESENTATIONS

Register for Managing the Regulatory Function and we will give you free of charge a CD-ROM comprising the following virtual presentations from recent Federated Press courses and conferences. Presented in their entirety with complete audio and accompanying PowerPoint slides totaling 626 minutes of expert learning, these presentations are an added bonus to this year's course. Bear in mind that these presenters are not necessarily those that you will see and hear at this year's course.

Improving the quality of policy advice through collaboration models: from development to implementation

Anne Scotton,
Privy Council Office
Time: 52

Healthy Child Manitoba case study: structuring horizontal collaboration and service delivery

Jan Sanderson,
Healthy Child Manitoba
Time: 42

Undertaking a Horizontal Policy at the Healthy Environments and Consumer Safety Branch of Health Canada

Ivan Ross Vrána,
Health Canada
Time: 31

Case study: Using horizontal policy to improve information management practices in the Ontario Public Service

Stuart Bailey,
Ontario Ministry of Government Services
Time: 39

Building a strong policy community to improve policy capacity

Russell Carr,
Carr Leiren and Associates Ltd.
Time: 47

Developing partnerships for policy success

Cheryl Grant,
Industry Canada
Time: 49

Building community support for public policy through citizen and community engagement processes

Mary Pat MacKinnon,
Canadian Policy Research Networks
Time: 23

Case study from the science and technology community: Managing horizontally at the community level

Ross Boutillier,
Natural Resources Canada
Time: 39

Case study: Overcoming horizontal challenges in implementing a cities and communities agenda

Claude Blanchette,
Infrastructure Canada
Time: 33

Managing horizontally: Lessons learned from the Canadian Biotechnology Strategy (CBS)

Kimberley D. Elmslie,
Canadian Biotechnology Secretariat
Time: 50

Creating a results-based reporting and accountability process for horizontal initiatives

Gunter Rochow,
Capra International Inc.
Time: 46

Designing a model for horizontal policy-making: Lessons from the provinces

Ian Peach,
Saskatchewan Institute of Public Policy
Time: 40

Getting from here to there: A case study on overcoming organizational resistance to introducing horizontal policy management at the Canadian Forces Health Services

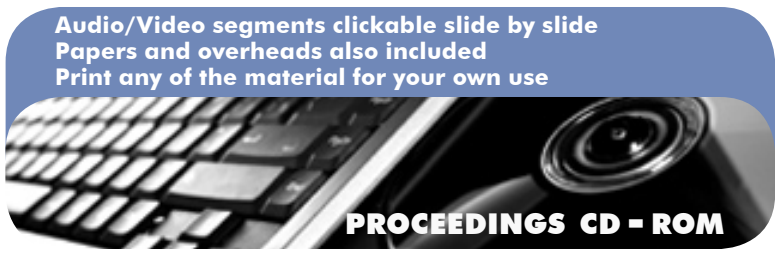
Randy Russell,
Canadian Forces Health Services
Time: 34

CATSA case study: Creating a strategy focused organization through performance measurement and accountability

Brian Krauel,
Canadian Air Transport Security Authority
Time: 50

Overcoming challenges in managing horizontal policies and programs: The experiences of Citizenship and Immigration Canada and Public Safety and Emergency Preparedness Canada

Franklin Andrews, and Anita Dagenais,
Citizenship and Immigration Canada,
Public Safety and Emergency Preparedness Canada
Time: 51



Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Crowne Meeting Manager, 101 Lyon St. Ottawa, ON, K1R 5T9

Cost: The attendance fee for the course is \$1825 per person and covers attendance for one person and the lecturers' presentation material. The fee further includes lunch on both days, morning coffee on both days and refreshments during all breaks. You may purchase a Proceedings CD-ROM containing edited actual proceedings and materials from the course.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to February 3, 2010. No refunds will be issued after this date. Please note that a 15% service charge will be held in case of a cancellation.

Discounts: Federated Press has **special team discounts**. Groups of 3 or more from the same organization receive a **10%** discount. Groups of 7 or more from the same organization receive a **15%** discount.

Payment must be received prior to February 9, 2010

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