

# ENERGY



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# Bill C-69: Is anybody thinking about how to implement it?

This legislation will be with us for the long term. Today, it's controversy over a pipeline. Tomorrow, it could be an electricity transmission line or a project aimed at reducing greenhouse gas emissions.



Monica Gattinger

Opinion

In a recent piece for *The American Interest*, political scientist Francis Fukuyama laments that public policy schools are failing

because they train students to conduct policy analysis, but completely ignore implementation. The kids are designing ever-more elegant policy proposals, but not how to actually implement them.

One wonders if Bill C-69, the federal government's sweeping reform of energy regulation and environmental assessment, could make for a good case study of Fukuyama's critique. Yes, reforms are needed to modernize energy decision-making. But can these ones be implemented in practice?

Research by the University of Ottawa's Positive Energy initiative suggests not.

There is no question that energy decision-making needs reform. It must be more open, transparent, accessible and robust. Municipalities, Indigenous governments and individual Canadians need to be more involved. And broader policy issues—climate change, cumulative effects and reconciliation with Indigenous peoples—need to be addressed.

Anyone who's been watching Canada's energy decision-making knows the country hasn't yet figured out how to deal with these matters. The result: explosive opposition to energy projects and ever-growing uncertainty in the investment environment over who decides what, when and how,

and when a decision is actually a decision.

The federal government's purchase of the Trans Mountain Pipeline Expansion project crystalizes just how bad it has become. The only way the government felt it could move the project forward was to buy it outright.



New Natural Resources Minister Amarjeet Sohi, pictured. Bill C-69, the federal government's sweeping reform of energy regulation and environmental assessment, could make for a good case study of political scientist Francis Fukuyama's critique, writes Monica Gattinger. *The Hill Times* photograph by Andrew Meade

Clearly, the situation is a complicated and difficult one.

But the challenges need to be addressed in ways that strike a workable durable balance between multiple energy impera-

tives: social and environmental issues, competitiveness, timeliness, energy security, investor confidence, affordability and reliability.

If not, reforms will fail at implementation. Canada could establish the 'perfect' decision-making system from a social or environmental perspective, but if no investor is willing to use it, it will all be for naught.

Analyzing Bill C-69 through the lens of implementation raises some major questions.

First, the bill proposes to dramatically expand consultation,

giving virtually anyone who wants a say in an energy project an opportunity to be heard. All good in theory, but in practice, how will decision-makers manage in a clear and timely fashion what could become lengthy and unwieldy processes, where all manner of opposition—whether specific to a project or well beyond its

scope—can be expressed?

Second, Bill C-69 substantially increases the range of impacts considered when evaluating a project—everything from climate change to gender. Will decision-

makers be able to draw a line on impacts in ways that provide clarity and predictability for investors, or will proponents be faced with a growing list of impacts that go well beyond what they contemplated in their planning and engagement processes?

Third, the bill places ultimate decision-making authority for projects and strategic environmental assessments in the hands of ministers. Does this risk amplifying existing tendencies in Canada to politicize project decisions, making them even more vulnerable to uncertainty, delay and short-term political imperatives?

Bottom line, it's not clear that the proposed legislation will resolve challenges in energy decision-making. In fact, it may well exacerbate them.

Bill C-69 is on its way to the Senate. What fate awaits it there remains to be seen. Will Senators turn their minds to the realities of implementation? Or will they focus on 'the what' of Bill C-69 to the detriment of 'the how'?

The future of Canadian energy's economic, environmental and security performance depends on it.

This legislation will be with us for the long term. Today, it's controversy over a pipeline. Tomorrow, it could be an electricity transmission line or a project aimed at reducing greenhouse gas emissions.

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