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# How is Canadian Energy Regulation Evolving to Support Canadian Prosperity?



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- The *projects* conversation and where it comes from
- How much should we blame PM Trudeau for failed energy projects?
- Does Canada need new pipelines? If so, to where?
- Will the *Building Canada Act* get new pipelines built?
- What roles do the provinces and Indigenous communities play with respect to pipelines through the *Building Canada Act*?



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Recent work that informs today's talk

IRPP INSIGHT

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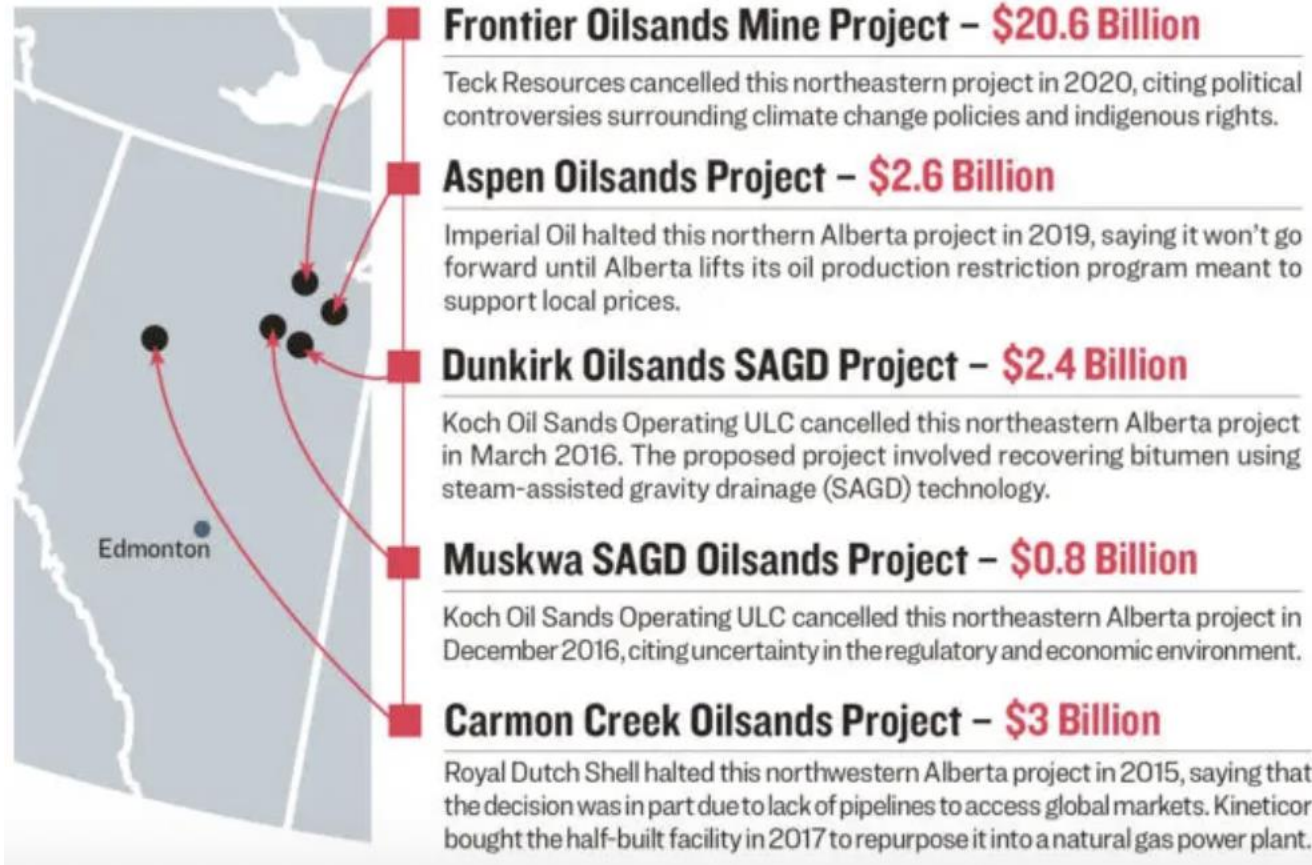
# Pipe Dream or Panacea? Evaluating the Case for Oil Pipelines in Canada

Andrew Leach

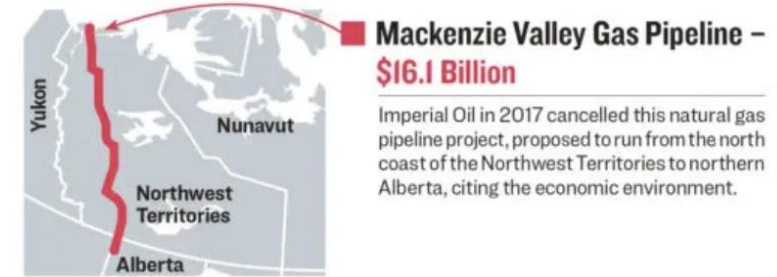




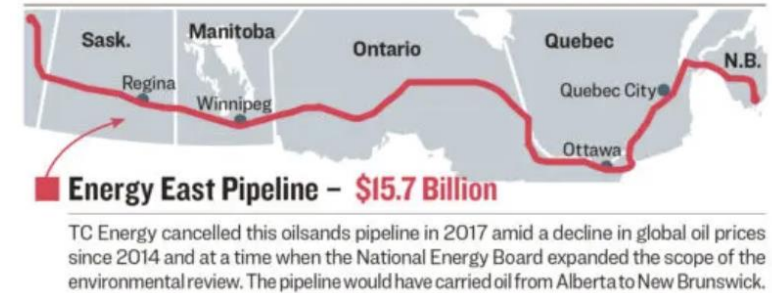
## ALBERTA



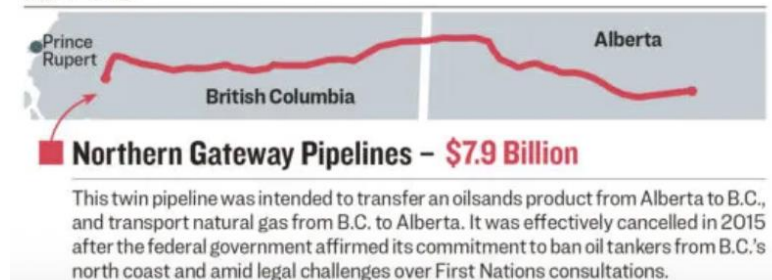
## NT-AB



## AB-NB

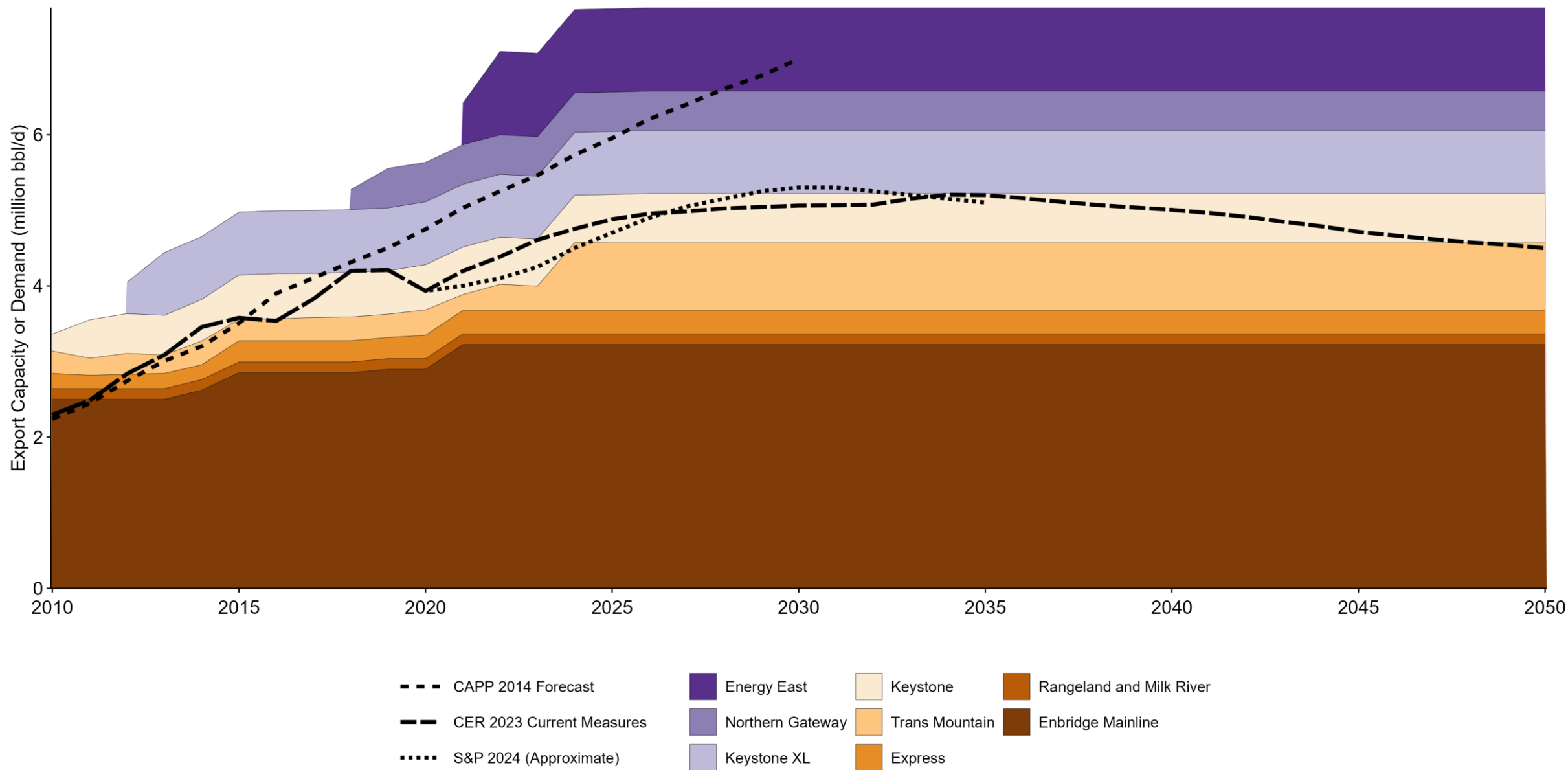


## AB-BC



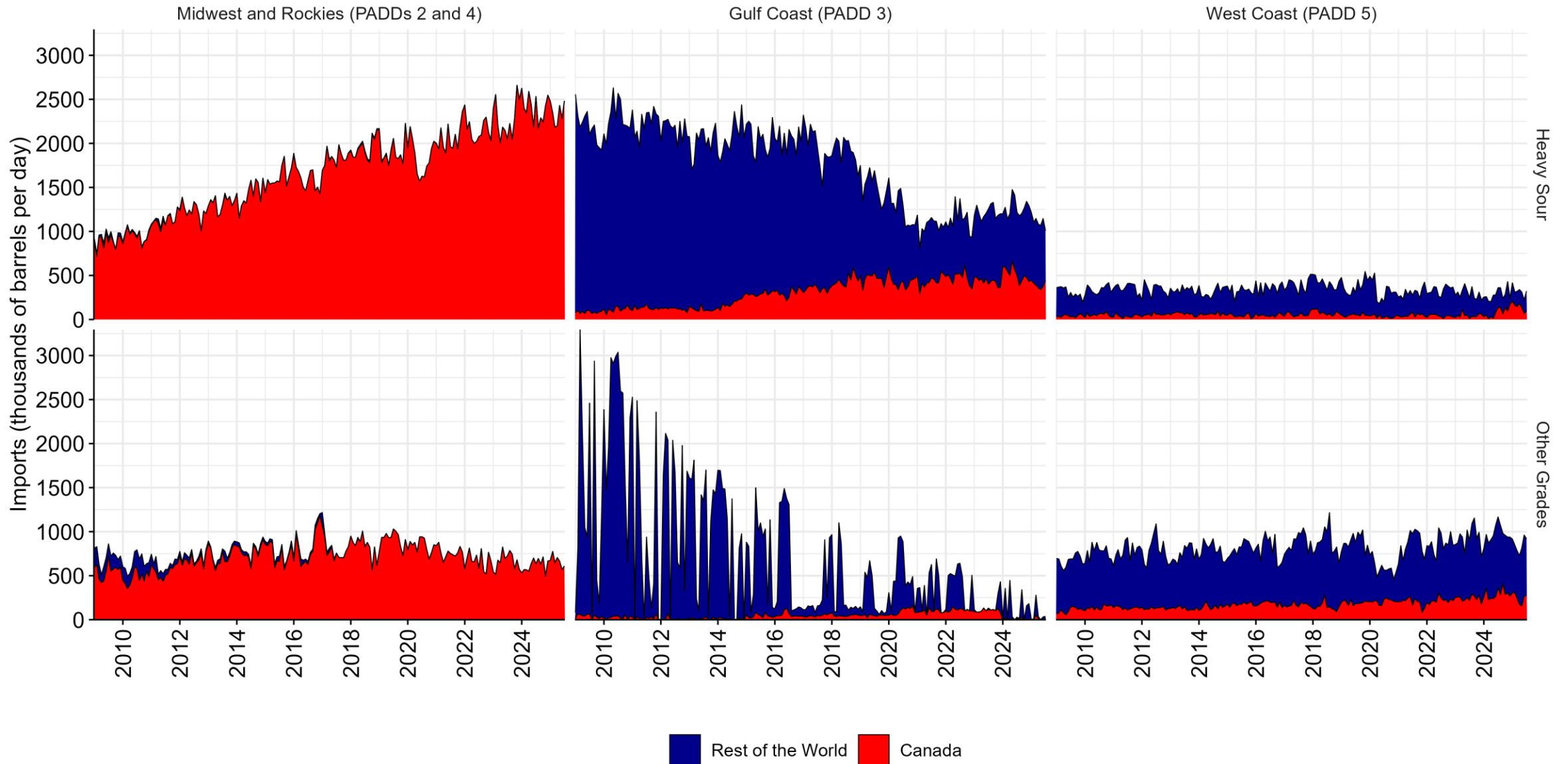


# The need for new pipelines? To where?





# The US Market for Canadian Crude

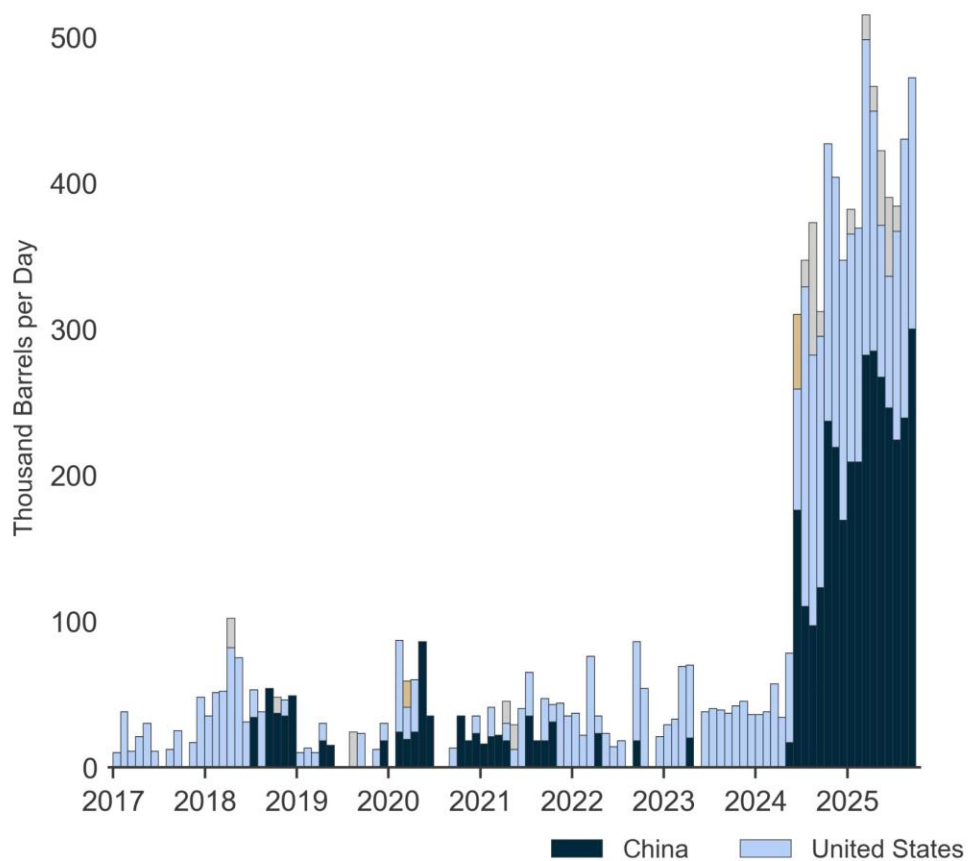




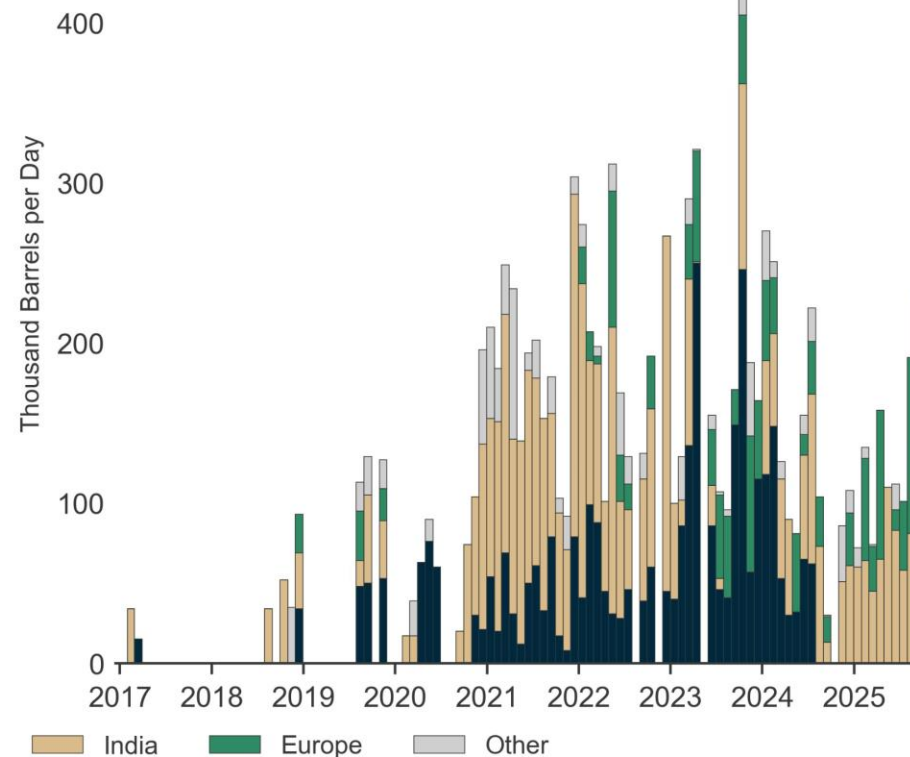
## Canadian West Coast Exports and USGC Re-Exports by Destination

November 3, 2025

Trans Mountain, ex-Vancouver



USA Re-Exports, ex-US Gulf Coast



Source: Commodity Context, Canadian Energy Regulator, Vortexa.

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- *BCA* allows for decisions like the final, political approval of a pipeline or permit issuance to be pre-determined.
- *BCA* allows cabinet to exempt projects from requirements under other legislation.
- *BCA* does not provide complete certainty for pipelines
  - Pipes may not be added to the PONIs list w/o CER approval
  - PONIs may not be designated w/o consultation with provinces or Indigenous peoples.
  - But, there's more...





In making the listing decision, [Cabinet] **may consider** factors it considers relevant including the extent to which a project can:

- (a) strengthen Canada's autonomy, resilience and security;
- (b) provide economic or other benefits to Canada;
- (c) have a high likelihood of successful execution;
- (d) advance the interests of Indigenous peoples; and
- (e) contribute to clean growth and to meeting Canada's objectives with respect to climate change.**



The role of the provinces and section 92(10)

Before listing, the Minister “must consult with the government of the province or territory in which the project will be carried out, and obtain its written consent **if the project falls within areas of exclusive provincial or territorial jurisdiction.**”

Section 92(10) sets out provincial jurisdiction over “Local Works and Undertakings **other than** [interprovincial and international pipelines, powerlines, etc.]



- So, what does it all mean?
- Front-ending political decision is probably good news
- Indigenous rights and the Duty to Consult cannot be avoided through fast-track legislation
- Previous projects have not been excessively delayed **by** the review process but **because of process insufficiencies**.



**THANKS!**

**CONTACT INFORMATION**

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