

# WSSR WORKSHOPS ON SOCIAL SCIENCE RESEARCH

## The Role of the National Energy Board: Still Relevant?

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9:00am – 4:30pm

### Workshop Outline

**Session 1:** Democracy and regulation in a Westminster form of Government

- the Westminster system
- definitions of democracy, common good, Rule of Law, and the public interest
- Canadian Constitution – role of federal government and provinces
- role of Parliament and legislatures
- role of the Executive Branch (Cabinet)
- role of Courts
- role of quasi-judicial bodies such as the NEB

**Session 2:** A Brief History of energy regulation in Canada. Why was the National Energy Board created in 1959, following the Great Pipeline Debate of 1956?

**Session 3:** Definition, use and misuse of the concept of sustainability, as per the United Nation's Brundtland Commission Report, "Our Common Future", issued April 1987



**Session 4:** Making of public policy through legislation, such as the *Canadian Environmental Assessment Act* and the *National Energy Board Act*

- public policy and independent quasi-judicial regulatory bodies such as the National Energy Board and the Régie de l'énergie du Québec
  - degree of independence
  - natural justice
  - procedural fairness
  - quasi-judicial regulatory bodies and sustainability (focus on s. 52 of the *National Energy Board Act*)

**Session 5:** The social licence concept (and its other forms, such as social acceptance)

- limitations of the concept
- merits of other approaches (public interest determination and the "common good")
- Public engagement in its various forms (case study: NEB and apprehension of bias in the Energy East case)

**Session 6:** Improving trust in the environmental assessment and energy regulation processes

- Liberal Party's election platform
  - Mandate letters to key ministers of the Trudeau Cabinet
  - Concrete action being taken
    - federal interim pipeline rules
    - Environmental Assessment Process Expert Panel Report
    - NEB Modernization Export Panel Report
    - Federal government's Discussion Paper on the Review of Environmental and Regulatory Processes
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## **Required Readings**

“Report of the World Commission on Environment and Development: Our Common Future” Brundtland Commission Report, 1988. <http://www.un-documents.net/our-common-future.pdf>  
Read:

- Part I, Common Concerns, Chapter 2: Towards Sustainable Development, Section I, The concept of sustainable development: <http://reserves.concordia.ca/ares/docs/14EF00BE.pdf>
- Part I, Common Concerns, Chapter 2: Towards Sustainable Development, Section III, Strategic Imperatives, Sub-section 7, Merging Environment and Economics in Decision Making: <http://reserves.concordia.ca/ares/ares.dll?Action=10&Type=10&Value=53799>

Liberal Party Platform, “Real change – a new plan for Canada’s environment and economy”, 2015. Section 4, Restoring credibility to environmental assessments, pp 9-10 <https://www.liberal.ca/wp-content/uploads/2015/08/A-new-plan-for-Canadas-environment-and-economy.pdf>

Government of Canada, “Government of Canada Moves to Restore Trust in Environmental Assessment”, January 27, 2016 <https://www.canada.ca/en/natural-resources-canada/news/2016/01/government-of-canada-moves-to-restore-trust-in-environmental-assessment.html>

Government of Canada, Interim measures for pipeline reviews, January 27, 2016  
<https://www.canada.ca/en/natural-resources-canada/news/2016/01/interim-measures-for-pipeline-reviews.html>

Government of Canada, “Environmental and Regulatory Reviews: Discussion Paper”, June 2017  
<https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/share-your-views/proposed-approach/discussion-paper.html>

## **Recommended Reading List**

Earle Grey. “Forty Years in the Public Interest, A History of the National Energy Board”, 2000, ISBN 1-55054-796-8, pages 1-21 <http://reserves.concordia.ca/ares/ares.dll?Action=10&Type=10&Value=53800>

Gaétan Caron, “Preparing for the future of federal energy regulation in Canada - What is the past telling us?” Energy Regulation Quarterly, Volume 2, September 2014  
<http://www.energyregulationquarterly.ca/articles/preparing-for-the-future-of-federal-energy-regulation-in-canada-what-is-the-past-telling-us#sthash.buuPGnKm.dpbs>

\*If you are registered for non-credit and are unable to locate the readings, please contact us at [wssr@concordia.ca](mailto:wssr@concordia.ca)