

Accelerated Project Approvals Under the Building Canada Act

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On June 6, 2024, the federal government tabled Bill C-5: *An Act to enact the Free Trade and Labour Mobility Act and the Building Canada Act* (the *One Canadian Economy Act*) to, among other things,¹ accelerate approvals for energy and infrastructure projects that are designated as being in the national interest by enacting the *Building Canada Act*.² This legislation aims to address pressing geopolitical, energy security, and economic concerns, while enhancing Canada's national prosperity and protecting the environment, and respecting the rights of Indigenous peoples.³ The *One Canadian Economy Act* faces a short sitting period in a minority Parliament, but Prime Minister Mark Carney has suggested that the sitting could be extended to ensure the Act is passed.⁴

The *Building Canada Act* provides for streamlined regulatory processes through a one decision-maker model and advance certainty of approval, though not of approval conditions, for national interest projects. The Act's single approval process provides the opportunity to expedite review timelines, but individual regulatory processes remain and how much speed can be achieved depends on how coordination works in practice.

The *Building Canada Act* joins similar, recently implemented provincial legislation that alters regulatory frameworks to accelerate timelines for development, including [Bill 5 in Ontario](#) and Bill 14 and Bill 15 in British Columbia.

The *Building Canada Act* allows the Governor in Council, on recommendation of the Minister of Intergovernmental Affairs (the Minister), to designate projects as being in the national interest.⁵ Such national interest projects are guaranteed most federal approvals and subject to modified and potentially accelerated regulatory processes under a single "Authorization Document" approval regime.⁶ National interest projects also have the benefit of a unified federal major projects office, with the stated goal of a two year approval timeline.

National Interest Designation

By order, the Governor in Council may amend Schedule 1 of the *Building Canada Act* to include a project that is in the national interest.⁷ There are currently no designated national interest projects. In coming to its determination that a project is in the national interest, the Governor in Council may consider any factor,

including whether the project can:

- strengthen Canada's autonomy, resilience and security;
- provide economic or other benefits to Canada;
- have a high likelihood of successful execution;
- advance the interests of Indigenous peoples; and
- contribute to clean growth and to meeting Canada's objectives with respect to climate change.⁸

The designation of a project as being in the national interest is a discretionary process that requires consultation with the appropriate provincial and territorial governments and Indigenous peoples whose section 35 rights may be adversely affected by the project.⁹ The Federal Government has indicated that it will not designate a project as in the national interest if affected provinces and territories do not consent.¹⁰

Authorization Document and Regulatory Processes

Designation as in the national interest secures most federal approvals for a project because when a project is designated as in the national interest, that project must (eventually) receive a document from the Minister providing authorizations under the applicable regulatory legislative frameworks (an Authorization Document).¹¹ The Authorization Document stands in for all permits and approvals under legislation and regulations, or portions thereof, specified in Schedules 2 and 3 of the *Building Canada Act* (Specified Enactments). The Specified Enactments include significant federal laws and regulations including the *Indian Act*, *Fisheries Act*, *Canadian Navigable Waters Act*, *Impact Assessment Act*, *Species at Risk Act* and portions of the *Canadian Energy Regulator Act*, which relate to certificates for interprovincial and international pipelines and transmission lines, and other federal legislation.¹²

Notably, an Authorization Document under the *Building Canada Act* does not provide licenses or other approvals under the *Nuclear Safety and Control Act*.

The Authorization Document must include any conditions relevant to the permits and approvals under each applicable Specified Enactment.¹³ The conditions must not go beyond conditions that would otherwise be provided for under the applicable Specified Enactment.¹⁴ Prior to issuing an Authorization Document:

- The project must meet the requirements of each of the applicable Specified Enactments, including permitting processes such as hearings, information requirements, etc., except:¹⁵
 - The [Impact Assessment Act](#) process is shortened;¹⁶ and
 - Any processes under any of the Specified Enactments may be modified by regulation passed by the Governor in Council.¹⁷
- The Minister must consult with the Minister responsible for the project under the applicable legislation to develop the conditions for the project.¹⁸

- Indigenous peoples whose section 35 rights may be impacted by the project must be consulted with.¹⁹ Consultation with Indigenous peoples typically occurs throughout regulatory processes, and the Federal Court recently held that regulatory tribunals, such as the Canadian Nuclear Safety Commission, must consider UNDRIP in their duty to consult analysis.²⁰
- For interprovincial pipelines and transmission lines regulated by the Canada Energy Regulator; and nuclear mines, power plants, waste, and other facilities regulated by the Canadian Nuclear Safety Commission; those independent agencies must confirm there are no safety and security concerns.²¹

The *Building Canada Act* does not specify a timeframe for regulatory processes or when an Authorization Document is to be provided. Once a project has received an Authorization Document, the project cannot be removed from the national interest project list, safeguarding the Authorization Document.²²

Federal Major Project Office

The federal major projects²³ office would assist with permitting processes, Indigenous consultation, Indigenous ownership and partnerships and working with provinces and territories in areas of shared jurisdiction. The federal major projects office and *Building Canada Act* are intended to work beside the Federal Government's commitment to a "one project-one review" approach, where federal and provincial permitting processes are coordinated with goal of a single assessment. This has been a consistent goal of the federal government, though only one cooperation agreement, with British Columbia, has been signed.²⁴ The Federal Government's stated goal is "to shorten decision timelines from five years to two years, while continuing to ensure environmental protections and commitments to Indigenous rights."²⁵

Indigenous Consultation

The preamble to the *Building Canada Act* affirms Canada's commitment to "respecting the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* and the rights set out in the United Nations Declaration on the Rights of Indigenous Peoples." Neither the designation of a project as being in the national interest nor the issuance of an Authorization Document, however, require the consent of Indigenous peoples. The Federal Government's statements on this point suggest they view the obligation to seek Free, Prior and Informed Consent from the United Nations Declaration on the Rights of Indigenous Peoples as equivalent to an enhanced version of the duty to consult.²⁶ The Federal Government has indicated, however, that Indigenous voices will be at the center of designation processes, facilitated through an Indigenous Advisory Council comprising First Nations, Métis and Inuit representation and supported by capacity funding to Indigenous peoples.²⁷ Canada has also announced that it is doubling its funding to the Indigenous Loan Guarantee Program to facilitate Indigenous equity ownership in national interest projects.²⁸

¹ The *One Canadian Economy Act* also includes the *Free Trade and Labour Mobility in Canada Act* to improve labour mobility in Canada and facilitate the interprovincial movements of goods and services by removing trade barriers.

² *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*, Bill C-5, online: [Government Bill \(House of Commons\) C-5 \(45-1\) - First Reading - One Canadian Economy Act - Parliament of Canada](#), Part 2, s 4 [*Building Canada Act*].

³ “PM Carney Outlines Bill on Nation-Building Projects & Removal of Trade Barriers” (6 June 2025), online (video): [PM Carney Outlines Bill on Nation-Building Projects & Removal of Trade Barriers | Headline Politics | CPAC.ca](#) [*One Canadian Economy Act* News Conference]; BCA, s 4.

⁴ Parliament of Canada, “House of Commons Sitting Calendar – 2025” (2025), online: [Sitting Calendar - House of Commons of Canada](#).

⁵ *Building Canada Act*, s 5(1).

⁶ *Building Canada Act*, ss 7(1).

⁷ *Building Canada Act*, s 5(1).

⁸ *Building Canada Act*, s 5(6).

⁹ *Building Canada Act*, s 5(7).

¹⁰ *One Canadian Economy Act* Press Conference.

¹¹ *Building Canada Act*, ss 7(1), (3).

¹² *International River Improvements Act*; *National Capital Act*; *Dominion Water Power Act*; *Migratory Birds Convention Act*, 1994; *Canada Transportation Act*, section 98, which pertains to construction of railways; *Canada Marine Act*; *Canadian Environmental Protection Act*, 1999, Division 3 of Part 7, which pertains to disposal at sea, *Canadian Energy Regulator Act*, subsection 186(1) and paragraph 262(1)?(c), which pertain to the certificates for interprovincial and international pipelines and transmission lines, *Migratory Bird Sanctuary Regulations*, *Dominion Water Power Regulations*, *Wildlife Area Regulations*, *Marine Mammal Regulations*, *Port Authorities Operations Regulations*, sections 25 and 27, pertaining to certain activities at ports, *Metal and Diamond Mining Effluent Regulations* *Migratory Birds Regulations*, 2022.

¹³ *Building Canada Act*, s 7(5).

¹⁴ *Building Canada Act*, s 7(6).

¹⁵ *Building Canada Act*, s 6(2) and 7(2)(b).

¹⁶ *Building Canada Act*, s 19(a-b) remove the planning phase for an Impact Assessment, require an Assessment in all cases and also remove the timelines applicable to such an assessment.

¹⁷ *Building Canada Act*, ss 23(a-b).

¹⁸ *Building Canada Act*, s 7(2)(a).

¹⁹ *Building Canada Act*, s 7(2)(c).

²⁰ *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at para 57.

²¹ *Building Canada Act*, ss 13 and 17.

²² *Building Canada Act*, s 5(4).

²³ The federal government has indicated that national interest projects will be able to benefit from a “seamless, single point of contact - the federal major projects office.”: Canada, Intergovernmental Affairs, “Government of Canada introduces legislation to build One Canadian Economy: News Release”, June 6, 2025, online: [Government of Canada introduces legislation to build One Canadian Economy - Canada.ca](#) [*One Canadian Economy: News Release*].

²⁴ Impact Assessment Agency of Canada, “Impact Assessment Cooperation Agreement Between Canada and British Columbia”, June 12, 2020, online: [Impact Assessment Cooperation Agreement Between Canada and British Columbia - Canada.ca](#).

²⁵ Intergovernmental Affairs, “One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act: Backgrounder”, June 6, 2025, online: [One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act - Canada.ca](#).

²⁶ The Canadian Press, “Fraser apologizes, says comments on Indigenous consultation eroded trust”, June 4, 2025, online: [Justice minister apologies for Indigenous comments](#).

²⁷ *One Canadian Economy Act* News Release.

²⁸ *One Canadian Economy Act* Press Conference.

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