

Discussion Paper: Designated Officer Regulations

Question 1. What changes, if any, would you suggest to the **below** criteria for identifying decisions in the CER Act that are “technical and administrative in nature”?

- The decision is ~~unlikely~~ **not** to require weighing competing interests;
- The decision involves technical details for a project that has already been approved, **given that they are minor, would not drastically change anything within the already approved project, and would not affect the people or the area in which the project is being constructed in, and lastly the decision should also have a second officer approval;**
- There are ~~likely~~ to be ~~few~~ **no** stakeholders directly affected by the decision;
- The decision requires in-depth technical knowledge on a specific topic **and therefore only those officers with expertise knowledge on the topic may make the decision with reason, given that they have consulted with any persons of interest or stakeholders that may be affected by the decision;**
- There are no ~~significant~~ findings of law (e.g. results of court cases) ~~or~~ constitutional, **or Treaty Rights considerations or violations;**
- There is a “test” or standard to be applied with no or limited ability to exercise discretion (e.g. assessment against the quantitative threshold or legal requirement); and
- The decision does not have industry-wide impacts, **impacts on Canadians, and/or on Canadian land.**

Question 2. Are there any other criteria that could be used to identify decisions that are “technical or administrative in nature”?

- **Decisions that will not bring about disagreement or opposition in any form from any person(s) which may include, but not be limited to: Indigenous groups, non-governmental organizations, government officials, and/or the public.**
- **Decisions that will not affect, wave or violate in any form the Treaty Rights or Duty to Consult.**

Question 3. What changes, if any, would you suggest to the circumstances listed **below**?

- A decision is required as part of a larger application that is being considered by the Commission;
- There is ~~significant~~ **any form of** interest shown in the application by **any person(s) which may include, but not be limited to:** Indigenous groups, non-governmental organizations, government officials, and/or the public;
- The designated officer requests that the matter may be considered by the Commission **due to higher levels of impact of decisions that are to be made;**
- The decision requires **equal** a balancing of various interests; and
- ~~Significant~~ **Any** policy ~~or~~ legal, **or Treaty** issues arise.

Question 4. Are there any circumstances that could apply for when a decision should be made by the Commission and not a designated officer?

- **Higher levels of impact of decisions to be made**
- **Disagreement or opposition of application approval or disapproval, of any form by any person(s)**
- **Possibility of affecting, waving or violating in any form the Treaty Rights or Duty to Consult with Indigenous Peoples.**

Question 5. Are there any circumstances where a decision that is "technical or administrative in nature" should always be made by a designated officer?

- Authorizing contact, providing contact information, or establishing contact when requested
- Reporting to higher authorities when required