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Bill 30, Expedited Project Approvals: Proponents Should Look Before They Leap

By: Nigel Bankes and Drew Yewchuk

Matters Commented On: (1) Bill 30: Expedited 120 Day Approvals Act, first reading, April 14, 2026, (2) Press Release, Faster Approvals for Major Projects, April 14, 2026, (3) Bill-30, Streamlining project approvals, the press conference featuring Minister Jean, April 14, 2026.

This post examines Alberta's Bill 30, a bill that proposes to offer a project proponent the option to seek expedited project approval. The post begins with an account of the reasons offered by the United Conservative Party (UCP) for the Bill, followed by an account of the expedited approval scheme that the bill proposes. It then offers a critique of some different aspects of Bill 30 before suggesting that a proponent should think carefully before accepting the government's offer of an expedited process – it may be a poisoned chalice.

The Rationale for Bill 30

The Premier effectively announced the Bill through her mandate letter to Minister Jean, October 2025, with the direction to develop:

> In consultation with the Minister of Environment and Protected Areas, the Minister of Indigenous Relations and other relevant ministries, industry and applicable regulatory bodies … an expedited 120-day provincial approval process for priority projects designated to be in the provincial interest.

The UCP has offered a number of different explanations as to why Bill 30 is required. In his press conference Minister Jean made the claim that the legislation was needed because of the numerous examples of projects that had been mired in the province's assessment process for years only to be sent back to square-one on what might be "nothing more than a technicality." (14 April 2026 Press conference at 0.46 – 0.53) The Minister did not mention any particular projects he might have had in mind and it is unclear if they actually exist. At First Reading in the Legislative Assembly later that same day, Minister Jean offered a somewhat different rationale, in what must be amongst the shortest first reading speeches on record:

> Major projects are on the horizon that will support Alberta in reaching its goals of doubling oil and gas production by 2035 and increasing market access. This legislation would send a strong positive signal to industry that Alberta's government is committed to getting these important projects built. Hansard, April 14, 2026 at 1450

What Does Bill 30 Do?

The scheme of Bill 30 is relatively simple. It may be summarized in bullet form as follows:

- The proponent of a project (a physical activity in Alberta) may apply to the Minister to have its project designated under the Act (the designation application, s 2). The application must be accompanied by certain prescribed information including:
    - A list of required approvals
    - Proof acceptable to the Minister of the status of any required environmental impact assessment reports, if any,
    - Proof acceptable to the Minister of the status of any planned, ongoing or completed consultations with Indigenous communities respecting the project;
- The Minister must consider the designation application and may either reject the application or recommend to Cabinet that the project be designated as a qualified project under the Act (s 3).
- In making that recommendation, the Minister may take into account a number of matters, of which perhaps the most significant are:
    - Alignment with the "Government's priorities, goals and outcomes",
    - The strategic importance to Alberta's economy through increased investment, jobs, Government revenues and economic activity,
    - A cost benefit analysis (in which costs are referred to as "residual impacts")
    - A capital spend of $250 million (but recall that this is just a "may" consideration)
    - "Whether the project advances national and provincial security by recognizing provincial autonomy and respecting Alberta's areas of provincial jurisdiction".
    - And, the traditional, for Alberta at least, "whatever the Minister considers relevant". Bill 30, s 3(3)
- Cabinet may act on the Minister's recommendation and designate the project as a qualified project ("designation order") (Bill 30, s 4(1)). The order must set out the approvals required for the project. Decisions on those approvals must be made within 120 business days of the publication of the designation order (Bill 30, s 5). The Act does not define the term "business days" and neither does the *Interpretation Act*, RSA 2000, c I-8, although the term is defined in the new *Access to Information Act,* SA 2024, c A-1.4.

There is a significant difference between the press release's description of Bill 30 and the actual text of the Bill. The press release says, "To qualify, projects must align with provincial priorities, be of strategic economic importance and involve a minimum capital investment of $250 million." This language suggests that these are mandatory requirements, but, as noted above, Bill 30 only marks these matters as things "the Minister may consider" (s 3(3). The press release also omits "business days" and says only "days" – note that 120 business days is at least 168 days (plus holidays) if we use the definition from the *Access to Information Act*. Government press releases should accurately reflected the text of government Bills.

The reference (above) to the idea that a relevant consideration in designating a project is whether the project "advances national and provincial security by recognizing provincial autonomy and respecting Alberta's areas of provincial jurisdiction" is puzzling. How does a physical project recognize provincial jurisdiction? Is this an invitation to proponents to seek provincial approvals

for an interprovincial work or undertaking? Or is it a signal to proponents that they should downplay the need for federal approvals (e.g. fisheries habitat issues) or interprovincial/territorial concerns in their applications. Neither explanation is edifying or satisfactory.

Bill 30 does not contain any consequential amendments to existing statutes. The presumption therefore must be that all of the laws of general application, including all resource and regulatory enactments will continue to apply, but with this caveat:

> If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this Act prevails unless another Act expressly provides that the other enactment, or a provision of it, prevails despite this Act. (Bill 30, s 7)

It is important to note that this trumping provision is confined to the provisions of the Act itself. It does not extend to any regulations or orders made under the terms of the Act. The word "enactment" includes regulations, but the word "Act" does not: *Interpretation Act*, s 28(1) (a) and (m). It is therefore much less far-reaching than the massive Henry VIII clause that was included in the first reading version of the *Alberta Sovereignty within a United Canada Act*, SA 2022, c A-33.8 and see ABlawg post here.

The "Minister" has yet to be prescribed for the purposes of the Act, but it is likely to be the Minister of Energy and Minerals (currently Brian Jean) although it is possible that different Ministers may be prescribed by an order (or orders) in council under s 16 of the *Government Organization Act*, RSA 2000, c G-10 for different types of projects (e.g. an all-season resort project).

Bill 30 and Procedural Fairness

Duties of procedural fairness and their correlatives (e.g. the right to make submissions or the right to reasons) may arise as a matter of common law (because important interests of a person may be affected), or they may be prescribed by statute. Bill 30 says nothing about the interests and procedural protections of those who may be affected by an expedited approval process (e.g. those who may be affected by a new stand-alone gas-powered generating facility (along with back-up diesel) designed to provide power for an AI operation). It is not even clear, for example, that a proponent must provide notice to Albertans of their application. Certainly, there is nothing in the Act to require such a notice although it is possible that that omission will be rectified by regulations. (Bill 30, s 8)

On the other hand, s 3(2) makes it clear that a proponent is entitled to notice of any denial of its application. General administrative law suggests that any such notice will also need to be accompanied by internally consistent and contextually convincing reasons: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (CanLII), [2019] 4 SCR 653.

The duty to publish designation orders is equally one-sided. Whereas the minister is required to provide the proponent with a copy of the order "as soon as practicable", the public's right to know, while also as soon as practicable, may take the form of gazetting the order no later than *60* days after the order is made (s 4(6)).

Finally, there is the matter of public hearings. Both the AUC and AER have considerable discretion in most cases as to whether or not to hold a public hearing on any application. Bill 30 does not change this as a matter of law. However, it is very difficult to conceive of a scenario in which either body can conduct a public hearing (especially an oral hearing) and make a decision on that application within the timeframe contemplated by Bill 30. This will, we think assert pressure on both agencies to exercise their discretion not to conduct public hearings in relation to projects that are the subject of a designation order. Unless this consideration is in some way authorized by new regulations, there is a risk that either agency might be accused of fettering its discretion. (See discussion of the fettering issue in the recent ABlawg post on the Canada/Alberta Impact Assessment Agreement here). Potentially there are also other possible fettering issues. For example, we can imagine a proponent who holds a designation order for a coal project arguing that the considerations relevant to the granting of such an order effectively preclude the AER from finding that the project is not in the public interest under s 8.1(2) of the *Coal Conservation Act*, RSA 2000, c 17.

One of our reviewers suggested another possibility which is that a proponent might only seek designation at a very advanced stage in project development, perhaps even during a public hearing process or after such a process has concluded. There is nothing in the Bill to preclude such a possibility but if that is the case, what does Bill 30 actually accomplish? If it is only used for the endgame then the Bill is a mere tale "told by an idiot, full of sound and fury, signifying nothing."

Bill 30, the Honour of the Crown and the Duty to Consult and Accommodate

The only reference to Indigenous consultation in the Act is the reference in s 2 (quoted above) to the effect that a proponent must provide information on the status of consultations with Indigenous communities on the proposed project to the satisfaction of the Minister. But that cannot of course change the nature of the constitutional duty to consult and in particular the trigger to the duty to consult which *Haida Nation* (in the context of Indigenous title and rights) expressed as arising when "the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it …" (*Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 (CanLII) at para 35 and for the treaty context see *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage),* 2005 SCC 69 (CanLII)). For treaty nations in Alberta, Alberta always has real or actual knowledge of the treaties, thus the only question is whether a designation decision falls within the idea of conduct that is contemplated that might adversely affect those treaty rights including the right to diligent implementation of the treaty grounded in the honour of the Crown: see *Ontario (Attorney General) v Restoule*, 2024 SCC 27 (CanLII) and ABlawg post here and *Fort McKay First Nation v Prosper Petroleum Ltd*, 2020 ABCA 163 (CanLII) and ABlawg post here. The Alberta and Saskatchewan courts have suggested that the grant of Crown resource dispositions will not likely trigger a duty to consult (see, for example *Buffalo River Dene Nation v Saskatchewan (Energy and Resources)*, 2015 SKCA 31 (CanLII) and ABlawg post here). But a decision to expedite approval for a specific project is much further down the decision-making tree than the grant of a disposition. This suggests that the designation decision itself will be a trigger for the duty to consult. The adverse effect may well arise from the simple proposition that adequate consultation with respect to a major project may not be possible within the time-frame mandated by the Act.

The press release associated with the Bill noted that

> To be considered for a qualified designation, project proponents will also be required to complete, or have substantially completed, the environmental impact assessment process and Indigenous consultation. The legislation does not change Alberta's duty to consult.

But it is one thing to make this claim and another to explain how the Crown can fulfil its duty to consult within a constrained timeline.

The same press release also states that:

> Consultation is not part of the 120-permitting process. Alberta's duty to consult remains for any project that may impact Treaty rights.

This suggests that somehow consultation falls outside project decision-making but, with respect, this is incoherent. It is government decision-making that triggers the duty to consult, and it is a duty that has to be fulfilled before government makes project-based decisions, whether those decisions are taken in the ordinary course or pursuant to the expedited timelines demanded by Bill 30. Perhaps the government (consistently with the comments of our reviewer above) expects the duty to consult to be fulfilled prior to any projects being designated – but that expectation is not in the text of Bill 30 (see the vague language of s 2(2)(g) quoted above.)

Bill 30 and the Alberta/Canada Agreement on Impact Assessment

Bill 30 can only address provincial government approvals, it cannot require the federal government to operate on the same timelines. Indeed, the recently concluded Alberta/Canada Co-operation Agreement on Environment and Impact Assessment and Environment (and ABlawg post here) contemplates that any assessment required under the terms of that agreement will ordinarily be completed within a two-year period (s 5). And that just refers to the impact assessment part of the process and not the subsequent decision-making associated with the various permits and approvals that might be required under different federal statutes. The federal government has its own version of expedited approval legislation in the form of the *Building Canada Act*, SC 2025, c 2 but that operates independently of Bill 30 and would only be triggered by a parallel designation under that Act. We also note that the federal Act is narrower in scope than Bill 30. It is also time limited (it sunsets after five years) and includes public registry provisions that add transparency to the application of the legislation. See ABlawg's series of posts on the federal Act, here, here and here.

Judicial Supervision of Statutory Decisions under Bill 30

Whereas the government of Alberta has consistently elected to channel judicial supervision of the decisions of its energy regulators (e.g. the Alberta Energy Regulator (AER) and the Alberta Utilities Commission (AUC)) to the Court of Appeal through a permission to appeal process, Bill 30 does not contain similar provisions. Accordingly, any statutory decisions made pursuant to Bill 30 will be subject to judicial review in the ordinary course in the Court of King's Bench. The standard of review will typically be reasonableness: *Vavilov*, above. Public interest standing rules will apply to any such application for judicial review, rather than the much more restrictive

"directly and adversely affected" test that governs Alberta's energy and environmental regulatory proceedings. Subsequent decisions (or even preceding decisions as our reviewer suggests) by other statutory decision makers, such as the AUC and the AER, will still be subject to the existing supervisory provisions in the applicable statute and for which statutory appeals the standard for review will be correctness.

Perhaps Expedited - But Still an Extra Layer of Decision Makers

Even if Bill 30 does achieve the desired outcome of expedited decision-making for a sub-group of projects, it will come at a bureaucratic cost. This is because, as the press release recognizes, it's going to be necessary to establish, and staff, what we will call a "designation order office" within government to properly process an application for a designation and, if granted, to process the need for amendments on an ongoing basis (as well as possible recission), all as contemplated in ss 4 and 6 of Bill 30. The press release describes this process as follows:

> A review and support process would be established through a newly created project coordination review team within Executive Council to assess major project applications and make recommendations to a committee of deputy ministers.

Presumably it will take some time to get this office up and running. It will necessarily result in a duplication of function between this office and the functions of other agencies, most notably the AUC and the AER.

We also observe that while decision-making post-issuance of a designation order is subject to a 120-business day rule, Bill 30 has nothing to say about the timeframe for making a designation order. That said, in his press conference, Minister Jean suggested that the project review team would be making recommendations to cabinet on designation applications within 30-days!

Look Before You Leap

The general idea of streamlining environment assessment and public participation for project approvals is hardly new – the idea goes back to at least 2007 with the federal governments' Major Projects Management Office. The general view is that although these processes take time and projects may be refused, these processes build public legitimacy for the projects and reduce both political opposition and litigation regarding procedural mistakes. (See Mark S. Winfield, "Decision-Making, Governance and Sustainability Beyond the Age of 'Responsible Resource Development'" (2016) 29 JELP 129). Unless major new resources are provided to perform the assessment in a politically legitimate, procedurally fair, and legally reasonable manner, the project approvals may be cancelled and the proponent forced to restart the process. That was the basic mistake that stalled the Trans Mountain Expansion Project in 2018 (see the 2018 ABlawg post here). Overall, history suggests that shortcuts and narrowed processes increase risks of litigation, public outcry, and civil disobedience.

There is also the problem that the 120-business day limit will be difficult to enforce against the government. Given the political nature of the designation process it is hard to imagine that a proponent will want to spend the time and resources to seek a *mandamus* order requiring the

government to fulfil its obligations. And there is always the risk that the government could rescind the project designation. (Bill 30, s 6)

In our view, a proponent might want to think long and hard about whether it wants to take advantage of the province's offer of expedited decision-making, and especially whether it wants to be an early mover heading down this path. Maybe it's better just to follow the existing rules. We have identified above some of the risks to project proponents, but in summary they include:

- The introduction of a two-stage decision-making scheme. This will allow opponents of a project to seek to interrogate the project at a preliminary stage, including using the courts to question the designation decision.
- The creation of a two-tiered regime where some projects enjoy exalted, expedited status, which in turns incentivizes lobbying by proponents to be designated as a privileged project
- Challenges to the adequacy of the quality and sufficiency of the consultation associated with making a designation order are all but inevitable.
- Foreseeable growing pains associated with the new project coordination review team within Executive Council.

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