ERS 375

Parliament, Cabinet and the bureaucracy:

An anatomy of federal environmental and sustainability decision-making

Course Outline, Fall, 2021

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Teaching Assistant: To be confirmed in September

In Person (!) Office Hours in Room EV2-2011 every Tuesday and Wednesday 12:00-14:00 and most other days from 13:00-17:00
Virtual Office hours pretty much any time by email or by Teams by appointment

Course Location and Time: To be Confirmed by Labour Day

Course Delivery Mode – The course will delivered in person on campus in a lecture format and via online delivery utilizing a set of recorded lecture material. Lectures will be supported by a mix of readings and a range of resource material posted on the course Learn site.

Brief Calendar Description

The Government of Canada makes an enormous range of decisions directly affecting Canada's environmental and sustainability futures on a regular basis. From large-scale decisions such as passing new legislation or approving major developments like pipelines, to issuing regulations, standards or policies, through to more daily and individually focused decisions such as setting speed limits in National Parks or issuing permits to shoot ducks, the federal government is a major player in the environment and sustainability domain. This course is taught by a former senior federal public servant with thirty years experience in the environment, fisheries and parks agencies of the government. It is designed to enhance student understanding of the anatomy of this system; in other words, how it is structured, how it functions and how it can be influenced. It is intended to appeal to students interested in

understanding and influencing governments in Canada with respect to climate change and broader environmental and sustainability issues. There are no prerequisites for the course.

Course Outline

The course starts from the assumption that most students of environmental issues hold the view that today's status quo is not acceptable, that societal decisions and actions need to be more accommodating of sustainability dimensions and that government needs to make more environmentally enlightened decisions. The course focusses on the last element of this baseline assumption and is designed on the premise that in order to influence government, one must first understand how it structured and how it works in practice, not just in theory. In this context, the course seeks to give students a clear understanding of the role federal government in the environmental domain, how it is structured and how it makes decisions in the environmental portfolio and areas affecting it.

It begins with a broad overview of the general roles of the Judiciary, Parliament and the Executive (Cabinet and the Public Service) and the linkages between them. Successive modules deal with each branch of the government in general terms and then dial down to focus on the role of each in the environment portfolio. Attention to the Judiciary is brief given its role in the environmental domain and the fact that it is not a body we seek to "influence". With respect to Parliament, the module launches with a review of the constitutional division of powers with respect to the environment and then shifts to the legislative process, the role of parliamentary committees, the roles, attitudes and interests of Members of Parliament and their political staff and the functions of key parliamentary officers. The major federal laws related to environment and sustainability are also canvassed to ensure that students have a strong understanding of the federal environmental legal regime.

Turning to Cabinet, the course outlines the role of Ministers and the factors influencing them, the machinery and structure of Cabinet and the nature of the Cabinet decision making process. The discussion begins at the general level and then hones in on the key Ministers associated with the environment and sustainability portfolio.

Following the review of the role of the Cabinet, attention to turns to the structure and function of the federal Public Service. This system is often seen as a giant "black box" and the intent of the course in this area is to illuminate the structure and to "look under the hood" at how it functions in very specific and pragmatic terms. This module starts with a look at the Public Service as a whole and the role of central agencies - the role of the Privy Council Office, the Department of Finance and the Treasury Board. It then shifts to a deeper focus on the environmental and sustainability related agencies of the federal government. Following a careful consideration of the structure of Environment and Climate Change Canada, Parks Canada, Fisheries and Oceans Canada, the Impact Review Agency and Natural Resources Canada are described in turn. Agencies with significant but somewhat indirect roles in the portfolio (e.g., Global Affairs) are touched on in a concluding component of this Public Service module.

In order to contextualize this descriptive material, the course regularly pauses to compare and contrast the Canadian system elements with its analogues in the American system. And, should a federal election be under way during the course, regular "diversions" to consider the environmental dimensions of campaigns and debates will be made as well.

With this descriptive foundation in place, the course shifts gears to look at how this complex and highly inter-connected system of institutions and actors operates when it comes to environment related decision-making. It considers:

- the federal policy making process
- regulatory and program decision making mechanisms
- the roles of science, public opinion, economic and social factors and lobbyists in these processes; and,
- the nature of lobbying, how governments are influenced and how coalitions of support for particular actions or initiatives have been effectively formed in the environmental domain;

In a concluding segment, more general observations about the ability of the federal system to meet the country's environmental and sustainability decision making needs are offered together with several suggestions for how we might chart a new map for environmental and sustainability decision making in Canada.

The course will include several guest speaker appearances by former and current elected and bureaucratic officials during scheduled classes and, possibly, via recorded appearances.

Learning objectives – Following completion of this course, students should be able to:

- Describe the key institutions of government and their general roles and how they relate to the environment and sustainability portfolio;
- Describe the key agencies of the environment and sustainability portfolio, their core legislative mandates, their organizational structures and their primary operational roles;
- Identify, link and critically evaluate multiple perspectives and actors in environment and sustainability related decision making in the federal system;
- Understand how federal environment and sustainability related decision making works and generate insights into how best to develop and position solutions to today's sustainability issues and challenges in this context; and,
- Advance and deepen their thinking regarding potential future transformation of environment and sustainability related decision-making and governance at the federal scale.

Evaluation Framework

There are five evaluation elements for this course.

1. Prepare five 300-500 word summaries (1500-2500 total) of **each** of:

- The Oceans Act, the Canadian Environmental Protection Act, the Species At Risk Act, the Fisheries Act and the Impact Assessment Act. A pdf of each Act is included in the Course Resources Folder in Learn.   This assignment is due **by 23:59 Sunday October 3rd** and is

worth 15% of the overall course mark. The assignment should be saved as a pdf file and posted to the course Dropbox.

2. A thirty-question multiple-choice one-hour online quiz dealing with lecture and reading material content from the first six weeks of the course. This will be "Quiz One" and will be available for completion online from **08:00 Wednesday October 20th until 17:00 Friday, October 22nd**. This quiz will be worth 20% of the course final mark.

3. Prepare a paper of ~1,000 words that:

   - Describes the organizational structure, mandate and role of the Privy Council Office, the Treasury Board Secretariat and the Department of Finance. The summary should identify the Minister each organization supports and the title and name of the person heading the organization. The summaries do NOT need to need to analyse or review academic literature pertaining to the organizations or their history; the summaries should be purely descriptive in nature.
   - This paper is due **by 23:59 November 7th** and is worth 15% of the overall course mark. The assignment should be saved as a pdf file and posted to the course Dropbox.

4. A thirty-question multiple-choice one hour online quiz dealing with lecture and reading material content from the second half of the course. Quiz Two will be available for completion from **08:00 Wednesday December 1st until 17:00 Friday December 3rd**. This quiz will be worth 20% of the course final mark.

5. A final term paper of between 2,000-2,500 words (~ five pages) that is due by **23:59 December 12th** that addresses the following scenario:

   - As part of the 2025 election campaign, the National Waterloo Rocks Party (NWRP) commits to developing new "Nature Act" to replace existing nature related laws in the federal system. The new Act would be an integrated law that addresses all areas of the federal mandate with respect to the conservation and protection of nature in Canada. It would set out biodiversity conservation goals and targets, describe ministerial responsibilities, require that the role of science in all decision making be fully documented, require the Minister to establish a publicly available nature database, authorize the Minister to develop any regulations needed for the purpose of implementing the Act, establish an integrated marine management regime and contain strong fines and penalties for violations of the Act. All in all, it would be pretty sweet!

The NWRP wins the election in a majority and its leader, Trevor Swerdfager, becomes Prime Minister. The country rejoices. Some UW students cringe. As a key first initiative for the newly elected government, the Prime Minister turns to his lead Minister, Daniel Alfreddson, and indicates that he wants the new Act to be moved forward immediately.

In addressing this scenario, the paper should:

- Describe the federal government's roles with respect to nature and the roles if any, of other orders of government;
- Identify and describe the federal department that would most likely lead the development of this new Act including the Department's current role, mandate and organizational structure;
- Identify which other departments or agencies are likely to be involved in the initiative;
- Identify and describe the key piece(s) of current legislation and/or regulations likely to be implicated by the development of the new Act; and,
- Identify the main steps involved in moving the Act to completion

- In order to keep the paper to a manageable length, even though many external groups would be hugely involved in such a legislative initiative the paper **DOES NOT** need to identify these groups and their interests. Nor does the paper need to describe he likely content of the new Act in any detail.
- The assignment should be saved as a pdf file and posted to the course Dropbox.

Late Policy for All Assignments
This course is designed to give you exposure to life beyond the university. Consequently, a strict penalty of 10% (absolute, not of earned grade) per 24-hour period including weekends will be assigned to late work. All assignments are due to the relevant dropbox on Learn no later than 11:30 p.m. on the day they are due.

Intellectual Property:
Students should be aware that this course contains the intellectual property of their instructor, TA, and/or the University of Waterloo. Intellectual property includes items such as:
- Lecture content, spoken and written (and any audio/video recording thereof);
- Lecture handouts, presentations, and other materials prepared for the course (e.g., PowerPoint slides);
- Questions or solution sets from various types of assessments (e.g., assignments, quizzes, tests, final exams); and

- Work protected by copyright (e.g., any work authored by the instructor or TA or used by the instructor or TA with permission of the copyright owner).

Course materials and the intellectual property contained therein, are used to enhance a student's educational experience. However, sharing this intellectual property without the intellectual property owner's permission is a violation of intellectual property rights. For this reason, it is necessary to ask the instructor, TA and/or the University of Waterloo for permission before uploading and sharing the intellectual property of others online (e.g., to an online repository).

Permission from an instructor, TA or the University is also necessary before sharing the intellectual property of others from completed courses with students taking the same/similar courses in subsequent terms/years. In many cases, instructors might be happy to allow distribution of certain materials. However, doing so without expressed permission is considered a violation of intellectual property rights.

Please alert the instructor if you become aware of intellectual property belonging to others (past or present) circulating, either through the student body or online. The intellectual property rights owner deserves to know (and may have already given their consent).

Academic integrity: In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect and responsibility. [Check the Office of Academic Integrity for more information.]

Grievance: A student who believes that a decision affecting some aspect of his/her university life has been unfair or unreasonable may have grounds for initiating a grievance. Read Policy 70, Student Petitions and Grievances, Section 4. When in doubt, please be certain to contact the department's administrative assistant who will provide further assistance.

Discipline: A student is expected to know what constitutes academic integrity to avoid committing an academic offence, and to take responsibility for his/her actions. [Check the Office of Academic Integrity for more information.] A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about "rules" for group work/collaboration should seek guidance from the course instructor, academic advisor, or the undergraduate associate dean. For information on categories of offences and types of penalties, students should refer to Policy 71, Student Discipline. For typical penalties, check Guidelines for the Assessment of Penalties.

Appeals: A decision made or penalty imposed under Policy 70, Student Petitions and Grievances (other than a petition) or Policy 71, Student Discipline may be appealed if there is a

ground. A student who believes he/she has a ground for an appeal should refer to <u>Policy 72, Student Appeals</u>.

Note for students with disabilities: <u>AccessAbility Services</u>, located in Needles Hall, Room 1401, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with AccessAbility Services at the beginning of each academic term.

Turnitin.com: Text matching software (Turnitin®) may be used to screen assignments in this course. Turnitin® is used to verify that all materials and sources in assignments are documented. Students' submissions are stored on a U.S. server, therefore students must be given an alternative (e.g., scaffolded assignment or annotated bibliography), if they are concerned about their privacy and/or security. Students will be given due notice, in the first week of the term and/or at the time assignment details are provided, about arrangements and alternatives for the use of Turnitin in this course.

It is the responsibility of the student to notify the instructor if they, in the first week of term or at the time assignment details are provided, wish to submit alternate assignment.