



***Brief submitted to the Senate Standing Committee on National Finance
and to the House of Commons Standing Committee on Finance
on Bill C-15 - An Act to implement certain provisions of the budget***

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Seniors for Climate Action Now! / Aînés pour l'action climatique urgente!

<https://seniorsforclimateactionnow.org/>



Seniors for Climate Action Now! call for the removal of Bill C-15's proposed modifications to the Red Tape Reduction Act to preserve civil and environmental protections, democracy and the rule of law.

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1. Sections 203 to 209 (Part 5, Division 5) of Bill C-15, should be removed: they are ill-advised, anti-democratic and possibly unconstitutional.
2. The proposed modification to the Red Tape Reduction Act would allow a minister to “*exempt any entity (person, organization, federal or provincial government) from the application of a provision of a federal law other than the Criminal Code*” to “*encourage innovation, competitiveness OR economic growth* ». This is an unheard-of discretionary power. Such exemptions could be granted “on any terms the minister considers appropriate” if “the minister is of the opinion” it is “in the public interest”, although this last term is not defined.
3. However, building a strong economy requires investors and businesses to be able to know what to expect: predictability is essential to be able to measure risk and decide to invest. Giving such radical new discretionary power to order exemptions behind closed doors goes against predictability.
4. Fairness of treatment is also a key expectation of investors and businesses: putting in place such discretionary measures that might give advantages to some over others is counterproductive.
5. The provisions of C-15 on this matter are of an unprecedented scope: any type of activity deemed to “encourage innovation, competitiveness OR economic growth” could be exempt from whatever federal regulation that is deemed a

hindrance, including for example activities of nuclear, oil and gas, chemical, mining and pharmaceutical industries. Laws that could be bypassed include those related to environmental assessment and protection, labor law, access to information and privacy, safety of food and drugs, and many more.

6. This could potentially threaten Canadians' and First Nations' rights, health and safety and wellbeing, and endanger wildlife, the environment and ecosystems. While encouraging innovation and competitiveness is important, it should not be done at the expense of legislation that ensures the protection of the environment, Indigenous rights, and the welfare of Canadians and future generations.
7. The vagueness of the proposed text makes it impossible to ascertain how it would be applied. For example:
 - ❖ These proposed modifications are not just about innovation nor just about testing products. Such exemptions seek to encourage innovation, competitiveness OR economic growth (art 12.3) - that could be just about anything.
 - ❖ In addition, the meaning of the word "*testing*" is not defined and therefore open to interpretation. Any new initiative could be considered a test: of feasibility, viability, performance, capacity, environmental impact, public acceptability, species tolerance, etc.
 - ❖ Finally, 12(3) specifies the exemptions: "would enable the testing of, *among other things*, a product, service, process, procedure or regulatory measure". There is essentially no limit to what could be tested given this wording: for example, an idea, a concept, a small modification to a process recognized as contaminating the environment or to a products known to be harmful..., exemption that could be valid for up to 6 years.
8. The provisions of Bill C-15 related to modifications to Red Tape Reduction Act are also undemocratic and possibly unconstitutional. More specifically:
 - ❖ Giving cabinet ministers such discretionary powers goes against the rule of law, a key principle of democratic society: no one is above the law and laws apply equally to all, regardless of status, wealth, or power.
 - ❖ Cabinet ministers would have discretion to override legislation enacted by Parliament without the review and approval of our duly elected representatives.

- ❖ Government accountability is another core tenet of democracy: instead, the proposed modifications to the Red Tape Reduction Act provide immunity “for anything done or omitted to be done” by the cabinet ministers.
 - ❖ Transparency, another a pillar of democracy, is also sorely lacking: while the minister must “when feasible” make the decision “publicly accessible”, he/she “may exclude information that, in the minister’s opinion, would be inappropriate to make publicly accessible for reasons that include safety or security considerations or the protection of confidential or personal information.”
9. Finally, this exemption process heightens the risk of improper lobbying and of corruption by people and corporations to obtain such exemptions.

In conclusion, sections 203-209 (Part 5, Division 5) should be removed from Bill C-15 because they are ill-advised, undemocratic, and possibly unconstitutional. If the government believes some existing legislation is too burdensome, they should proceed with transparency and according to democratic processes, so that proposed changes can be discussed in a timely fashion and debated by our duly elected representatives.

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Seniors for Climate Action Now! (SCAN!) is building a pan-Canadian seniors’ climate action movement for the sake of generations to come. We are working with youth and other climate activists to create a democratic, just, and transformative movement to address the climate crisis.