CANADIAN CIVIL LIBERTIES ASSOCIATION
ASSOCIATION CANADIENNE DES LIBERTES CIVILES

Submission on Bill C-15

An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025

Anaïs Bussières McNicoll, Director – Fundamental Freedoms Program

Howard Sapers – Executive Director

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Canadian Civil Liberties Association

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Canadian Civil Liberties Association (CCLA)

The CCLA is a national, non-profit, non-partisan and non-governmental organization founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people across Canada. Key aspects of our mission include defending democratic principles and the rule of law, fighting against government overreach, and advocating for government accountability.

Overview and Context

The CCLA makes these submissions to highlight its objection to the new power that Bill C-15, *An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025* (Bill C-15), would grant to the executive branch of government. This sweeping power would allow ministers to handpick entities whose activities could be exempted from important legislative safeguards enacted by Parliament.

This new power is extraordinary and contrasts sharply with the federal government's casual introduction of it. Rather than ensuring this exceptional power receives meaningful and detailed scrutiny through a distinct legislative process, the government buried it within a 600-page omnibus bill.

The proposed provisions are reminiscent of another broad delegation of legislative power to the executive recently adopted by the federal government through Bill C-5,[1] which is currently being challenged in court.[2] Together, these provisions paint a bleak picture of the federal government's consideration for basic democratic principles – such as the separation of powers and the rule of law – designed to protect the population from the arbitrary use of state power. We urge members of the Standing Committee on Finance to remove this new power from Bill C-15.

Analysis

Part 5, Division 5 of Bill C-15 would allow a minister, on any term that they consider appropriate, to exempt any entity from the application of any Act of Parliament (except the *Criminal Code*) or resulting instrument that the minister is either responsible for, administering or enforcing.[3] The term "entity" is defined broadly and would notably include individuals, corporations, the Crown and provinces.[4]

The exemption, which could last up to six years,[5] "would enable the testing of, among other things, a product, service, process, procedure or regulatory measure with the aim of facilitating the design, modification or administration of a regulatory regime to encourage innovation, competitiveness or economic growth."[6]

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[1] *Building Canada Act* (S.C. 2025, c. 2, s. 4).
[2] Nine First Nations in Ontario, as well as the Centre québécois du droit de l'environnement in Quebec, are currently challenging the Building Canada Act.
[3] Bill C-15, Part 5, Division 5, s. 208 (s. 12(3)). [**Bill C-15**]
[4] Id. (s. 11).
[5] Id. (s. 12(5)).
[6] Id. (s. 12(3)(b)).

a. Not a "Regulatory Sandbox"

It would be ill-advised to compare this new executive power to "regulatory sandboxes," a tool that regulators sometimes use to keep pace with changing technologies and encourage innovation.

First, exemptions allowed under Bill C-15 would not be limited to fostering innovation in rapidly evolving industries through a form of regulated experimentation. They could also focus on encouraging "competitiveness or economic growth" – worryingly vague concepts which entities in constant pursuit of profit and growth could invoke at every turn to be exempted from important legislative safeguards.[7] These additional grounds transform this power from a quest for understanding risk to privileging economic activity at the expense of compliance with legislative safeguards.

Second, Bill C-15's exemptions would not apply solely to regulatory instruments[8] – they could also extend to federal legislation, therefore bypassing the legislator's role. The separation of powers between the legislative, executive and judicial branches of government is key to our democratic process. The legislature (and judiciary) play crucial roles in holding the executive accountable and in restricting the arbitrary exercise of government power.[9] Legislation is proposed for adoption by Parliament and should remain within its jurisdiction, except in extraordinary situations.

b. Competitiveness or Economic Growth Should Not Justify Bypassing Laws and the Legislator

While there are times – such as wars and pandemics – when exceptional decision-making power may need to be vested in the executive branch of government, this must be the democratic exception, not the norm. Acceptable circumstances arise from acute and significant crises – not economic interests.

Although fostering Canada's economic growth is important, it does not justify bypassing federal laws and centralizing power within the executive's hands. This alarming move would enable the executive to easily do away with legal safeguards that protect people of Canada.

Potential applications are almost infinite: the executive could use this new power to immunize tech companies from privacy laws when working on a specific project; to waive rights embedded in the *Immigration and Refugee Protection Act* to facilitate some AI driven immigration solutions; to override environmental laws for selected entities; or to waive *Canada Labour Code* requirements for some employers.

c. Absence of Meaningful Checks and Balances

Even when circumstances justify delegating legislative power to the executive – which is not the case here – this exceptional power must be subject to stringent checks and balances. There again, Bill C-15 is unsatisfactory. Although it includes a "Transparency and Parliamentary Oversight"

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[7] Id. (s. 12(3)(b)).
[8] Bypassing the role of independent regulators can also be problematic.
[9] *Reference Re Secession of Quebec*, [1998] 2 SCR 217, para. 68.

section,[10] the provided mechanisms fail to impose meaningful limits on the executive's use of its new power.

A minister who granted an exemption must make it public, along with a description of the decision-making process and a summary of the reasons for the exemption. However, that duty is not subject to a binding time limitation – the minister must simply proceed "as soon as feasible".[11] Even more troubling is the exception provision, which basically makes the minister's so-called duty of transparency meaningless if, in the minister's opinion, it would be "inappropriate to make [information] publicly accessible".[12]

As for so-called "parliamentary oversight", it is minimal and non-binding. Bill C-15 provides no mechanism for either House of Parliament or a standing committee thereof to revoke or amend an exemption. Pursuant to Bill C-15, Parliament can only review the President of the Treasury Board's annual report listing the exemptions granted and the names of the ministers who made them.[13] All the power is in the hands of the executive.

Finally, Bill C-15 basically overlooks the reality of groups whose rights will be waived due to an exemption. A minister who has granted an exemption must simply publicly provide "a description of the process for providing comments"[14] – a post ipso facto process that is a far cry from a positive obligation to consult with potentially affected groups *before* granting an exemption, and to formally notify them that their rights are being waived by the executive.

Conclusion

If the federal government believes that a specific law or provision is ill-advised or too burdensome, it should propose amendments and welcome a democratic dialogue with civil society and parliamentarians.

Granting the executive the power to bypass legislative safeguards in the name of innovation, competitiveness or economic growth is not an acceptable solution, especially without meaningful checks and balances. Rather, it is a proposition that any liberal democracy should readily reject.

For these reasons, the CCLA is urging members of the Standing Committee on Finance to remove Part 5, Division 5 from Bill C-15.

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[10] Bill C-15, supra note 3, s. 14.
[11] Id. (s. 14(1)).
[12] Id. (s. 14(2): "**Exception** (2) The minister 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." [emphasis added]
[13] Id. (s. 15).
[14] Id. (s. 14(1)(b)).