

Osler submission on draft amendments to General Anti-Avoidance Rule

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[Budget 2023](#) introduced draft amendments to the General Anti-Avoidance Rule (the GAAR) in section 245 of the *Income Tax Act*. The draft amendments followed the release of a [consultation paper](#) by the federal government on August 9, 2022, which set out sweeping potential changes that would have significant consequences to Canadian tax policy and undermine the ability of taxpayers to structure their commercial affairs in a tax-efficient manner. Osler made a [submission](#) in response to the consultation paper on September 30, 2022.

In the [attached submission](#) [PDF], Osler takes the position that, although the draft amendments do not adopt some of the measures initially under consideration, they still risk undermining the continued efforts of the courts to ensure that the application of the GAAR remain rigorous and principled and not devolve into a purely discretionary exercise of the Minister of National Revenue's power. The submission identifies key concerns in this regard.