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THE 19TH ANNUAL *Church & Charity Law*TM Seminar Thursday, November 15th, 2012

“RECENT DEVELOPMENTS IN THE LAW”

WELCOME

Welcome to the 2012 Annual *Church & Charity Law*TM Seminar, which is designed to assist churches and charities in understanding developing trends in the law in order to reduce unnecessary exposure to legal liability. Although the topics presented are directed at churches and charities, many aspects of the presentations will also be of interest to not-for-profit organizations. This seminar is eligible for **5 hours CPD credits**.

The Annual *Church & Charity Law*TM Seminar, held every year since 1994, is presented by **Carters Professional Corporation (Carters)**, a law firm with offices in the Toronto and Ottawa areas, experienced in advising churches, charities and not-for-profit organizations across Canada, as well as internationally. The firm is assisted by various expert guest speakers this year.

CHECK-IN

If you have REGISTERED AND PAID the registration fee, please obtain your name tag and handout package at the “Information Centre” on the main level and then help yourself to complimentary coffee and muffins in the Gym.

If you NEED TO PAY the registration fee, please proceed to the “UNPAID AND NEW REGISTRATION” desk as you enter the building. The registration fee can be paid by cash or cheque payable to *Carters Professional Corporation*. Please obtain a handout package from one of our greeters for more information.

LUNCH

While complimentary coffee is provided throughout the day and muffins in the morning, lunch is not included unless shown on your name tag. Our caterer will have assorted sandwiches, vegetables and dip, assorted cookies, fruit, coffee, tea and juice for those that have purchased tickets. The Church has requested that **food and beverages** be consumed only in the Gym, Foyers and overflow areas, **not** in the Auditorium.

REMINDERS

PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES. For re-cycling purposes, return your name tag (after removing your receipt), along with your Evaluation Form, and place in the boxes provided at the building exits.

RESOURCE MATERIALS

Included in this handout package are copies of today's presentation materials. These materials, along with numerous other articles, seminar materials, and newsletters of interest to churches and religious charities, including back issues of *Charity Law Bulletins*, *Church Law Bulletins*, and *Charity Law Updates* are available free of charge at our websites of www.charitylaw.ca, www.churchlaw.ca, www.antiterrorismlaw.ca and www.carters.ca. A few select copies of *Church Law* and *Charity Law Bulletins* are on display at the Carters booth in the entrance Foyer.

As well, approximately 500 copies of the 2012 Legal Risk Management Checklist for Charities are available free of charge at our resource table (one per person). The checklist will also be posted on our website at www.carters.ca/pub/checklist/charity.pdf.

CHARITY LAW UPDATE

If you did not include your email address with your registration form and would like to be added to our free e-mail distribution list of the monthly newsletter “Charity Law Update”, please add your name and e-mail address to our Sign-Up List at our booth in the entrance Foyer.

QUESTION PERIOD

Questions are encouraged and will be answered at the end of both the morning and afternoon sessions. A question sheet is provided at the back of this handout and should be left at the front podium in the Auditorium.

ACKNOWLEDGEMENTS

We gratefully acknowledge and thank the pastors, leadership, and congregation of the **Portico Community Church** for the use of their facilities. We would like to also acknowledge and thank Cathy Hawara and Kenneth Goodman for their contributions as guest speakers at this year's seminar. All speakers have freely volunteered their time for this event.

We would also like to recognize our lead sponsor **MACKENZIE FINANCIAL CORPORATION** for their assistance.

Carters Professional Corporation

Toronto (416) 675-3766 Ottawa (613) 235-4774 Mississauga (905) 306-2791 Orangeville (519) 942-0001

www.carters.ca Toll Free / Sans frais: 1-877-942-0001 www.charitylaw.ca

THE 19TH ANNUAL
Church & Charity Law™ Seminar
Thursday, November 15th, 2012

AGENDA

7:45 a.m.	Check-In (Coffee, Tea, Juice and Muffins provided)	
8:30 a.m.	Opening Remarks and National Anthem	
8:40 a.m.	2012 Essential Charity Law Update	Ryan M. Prendergast
9:10 a.m.	How to Get Ready for the New Ontario <i>Not-for-Profit Corporations Act, 2010</i>	Theresa L.M. Man
9:45 a.m.	Use It or Lose It: How Churches and Charities Can Protect Their Brand	Colin J. Thurston
10:10 a.m.	Morning Break (Coffee and tea provided) (25 minutes)	
10:35 a.m.	Playing by the Rules: Political Activities Fair Game for Charities	Karen J. Cooper
11:05 a.m.	Workplace Harassment: What Churches and Charities Need to Know	Barry W. Kwasniewski
11:35 a.m.	Understanding CRA's New Community Economic Development Policy	Terrance S. Carter
12:05 pm	Question Period (10 minutes)	
12:15 p.m.	Lunch Break (55 minutes)	
1:10 p.m.	Recent Judicial Developments in Fiduciary Duties for Charities	Kenneth R. Goodman
1:40 p.m.	Police Reference Checks and Other Practical Issues Regarding Child Protection	Esther S.J. Oh
2:05 p.m.	Avoiding the Pitfalls of an Online Presence for Churches and Charities	Nancy E. Claridge
2:30 p.m.	CRA and Registered Charities: What You Need to Know	Cathy Hawara
3:10 p.m.	Question Period (20 minutes)	
3:30 p.m.	Program Ends	

Please see **Speaker Biographies** on the following pages.

Please take a moment to complete the **Evaluation Form** included at the back of this handout to help us make the next Annual *Church & Charity Law™* Seminar even better.

SEMINAR HOSTS

Carters Professional Corporation is a law firm with expertise in the area of church, charity and not-for-profit law and is committed to assisting clients in avoiding legal problems before they occur through effective legal risk management advice, including assistance with:

- Anti-terrorism Policy Statements
- Charity Legal Audits
- Charitable Foundations (Public and Private)
- Charitable Organizations
- Charitable Registrations
- Charitable Trusts
- Church Discipline Procedures
- Church Incorporation
- Corporate Record Maintenance
- Corporate Restructuring for Charities
- Director and Officer Liability
- Dispute Resolution
- Dissolution and Wind-Up of Charities
- Domain Name Management
- Ecological Gifts
- Employment Issues for Charities
- Endowment Agreements
- Foreign Charities Commencing Operations in Canada
- Fundraising and Gift Planning
- Gift Acceptance Policies
- Human Rights Litigation
- Incorporation and Organization of Charities and Not-for-Profits
- Insurance Issues for Charities and Not-for Profit Organizations
- Interim Sanctions
- International Strategic Planning and Operations
- International Trade-mark Licensing
- Investment Policies for Charities
- Legal Risk Management Assessments
- Litigation and Mediation Counsel for Charities
- Marriage Office Clergy Registration
- Multiple Corporate Structures
- National and International Structures
- Privacy Policies and Audits
- Religious Denominational Structures
- Sexual Abuse Policies
- Special Incorporating Legislation for Charities
- Tax Compliance for Charities
- Tax Opinions and Appeals
- Trade-mark and Copyright Protection and Registration

PROTECTION FROM REGULATORY OFFENCES FOR CHURCHES AND CHARITIES

Churches and charities often face significant liability and financial challenges due to increasing enforcement of federal and provincial regulatory legislation dealing with such matters as water, working conditions and environmental issues. Carters is able to provide advice and assistance at all stages from an initial investigation through to a full defence at a trial. For more information, contact Bruce Long at Carters (1-877-942-0001 x404).

SEMINAR SPONSORS

Carters would like to thank the following companies for their sponsorship of the Annual *Church & Charity Law*[™] Seminar that helps to keep the registration fee to a minimum:

- **MACKENZIE FINANCIAL CORPORATION**, Brad.Offman@mackenziefinancial.com, our lead sponsor
- **LexisNexis Canada Inc.**, Tel: 1-800-668-6481, www.lexisnexis.ca
- **Dickinson + Hicks Architects Inc.**, Tel: 519-941-0912, www.dickinson-hicks.com



SEMINAR RESOURCE EXHIBITORS

We are pleased to make resource materials from the following organizations available in the Foyer.

- **MACKENZIE FINANCIAL CORPORATION**, Brad.Offman@mackenziefinancial.com
- **Canada Revenue Agency**, www.cra.gc.ca/charities
- **Canadian Council of Christian Charities**, www.cccc.org
- **Christian Legal Fellowship**, www.christianlegalfellowship.org
- **Dickinson + Hicks Architects Inc.**, Tel: 519-941-0912, www.dickinson-hicks.com
- **Imagine Canada**, <http://charitytax.imaginecanada.ca>
- **LexisNexis Canada Inc.**, www.lexisnexis.ca
- **Robertson Hall Insurance**, www.robertsonhall.com

GENERAL DISCLAIMER

At the end of each presentation, please note the Disclaimer that applies: This handout is provided as an information service by Carters Professional Corporation. It is current only as of the date of the handout and does not reflect subsequent changes in the law. This handout is distributed with the understanding that it does not constitute legal advice or establish a solicitor/client relationship by way of any information contained herein. The contents are intended for general information purposes only and under no circumstances can be relied upon for legal decision-making. Readers are advised to consult with a qualified lawyer and obtain a written opinion concerning the specifics of their particular situation. © 2012 Carters Professional Corporation

SPEAKER BIOGRAPHIES



Terrance S. Carter – Managing Partner of Carters, Mr. Carter practices in the area of charity and not-for-profit law, is counsel to Fasken Martineau DuMoulin LLP on charitable matters, is a member of the Technical Issues Group of Canada Revenue Agency's (CRA) Charities Directorate representing the Canadian Bar Association (CBA), a past member of CRA's Charity Advisory Committee, Past Chair of the CBA National Charities and Not-for-Profit Section, and is recognized as a leading expert by *Lexpert* and *The Best Lawyers in Canada*. He is also consulting editor of *Charities Legislation and Commentary* (LexisNexis Butterworths, 2013), and editor of www.charitylaw.ca, www.churchlaw.ca and www.antiterrorismlaw.ca.



Nancy E. Claridge – Ms. Claridge was called to the Ontario Bar in 2006, and is a partner with Carters practicing in the areas of charity, anti-terrorism, real estate, corporate and commercial law, and wills and estates, in addition to being the firm's research lawyer and assistant editor of *Charity Law Update*. After obtaining a Masters degree, she spent several years developing legal databases for LexisNexis Canada, before attending Osgoode Hall Law School where she was a Senior Editor of the *Osgoode Hall Law Journal*, Editor-in-Chief of the *Obiter Dicta* newspaper, and was awarded the Dean's Gold Key Award and Student Honour Award.



Karen J. Cooper – A partner with the firm, Ms. Cooper is recognized as a leading expert by *Lexpert* and *Best Lawyers* practicing charity and not-for-profit law with an emphasis on tax issues at Carters' Ottawa office, having formerly been a Senior Rulings Officer with the Income Tax Rulings Directorate of Canada Revenue Agency, as well as former counsel for the Department of Justice in tax litigation. Ms. Cooper also has considerable teaching experience, including as part-time professor at the University of Ottawa, Faculty of Common Law, and is a contributing author to *The Management of Charitable and Not-for-Profit Organizations in Canada* (LexisNexis Butterworths).



Kenneth R. Goodman - Deputy Public Guardian and Trustee - Director Legal Services, he received his B.A. from York University (Toronto, Ontario) and his LL.B. from the University of Windsor Law School. He was called to the Ontario Bar in 1982. He was in private practice before joining the Ministry in 1990 and joined the Office of the Public Guardian and Trustee in 1998. While in private practice Mr. Goodman was actively involved as a director and officer of several charities. He is a member of the OBA (Ontario Bar Association) Charity and Not-For-Profit Law Section Executive. In 2007, he received the AMS John Hodgson Award, from the OBA, for contribution and development of law in the charitable sector. He has written and lectured on family law, charity and trust law matters.



Cathy Hawara – is currently the Director General, Charities Directorate with the Canada Revenue Agency, a position she holds since October 2009. In this capacity, she is responsible for the overall management of the federal regulation of registered charities under the Income Tax Act. Prior to joining the Canada Revenue Agency, Ms Hawara served as the Director of Appointments with the Senior Personnel Secretariat at the Privy Council Office from 2007 to 2009. She was responsible for providing advice and support to the Clerk of the Privy Council, the Prime Minister and his Office on all matters related to selection processes and appointments to Governor in Council positions, including Deputy Ministers and heads of agencies.



Barry Kwasniewski – Mr. Kwasniewski joined Carters' Ottawa office in October 2008 to practice in the areas of employment law, charity related litigation, and risk management. Called to the Ontario Bar in 1990, Mr. Kwasniewski has a wide range of litigation experience, including in commercial disputes, personal injury, long-term disability, employment, insurance defence, and professional liability. He is a volunteer lawyer at Reach Canada, is on the Board of directors of the Vista Centre, and has assisted in several United Way campaigns.



Theresa L.M. Man – A partner with Carters, Ms. Man practices charity and not-for-profit law and is recognized as a leading expert by *Lexpert* and *Best Lawyers*. She is an Executive Member of both the Charity and Not-for-Profit Sections of the Ontario Bar Association (OBA) and the Canadian Bar Association (CBA). In addition to being a frequent speaker at seminars hosted by Carters, the CBA and the OBA, Ms. Man has also written articles for numerous publications, including *The Lawyers Weekly*, *The Philanthropist*, *Planned Giving Pulse*, *International Journal of Civil Society Law*, *The Bottom Line*, *Canadian Fundraiser* and *Charity Law Bulletin*.



Esther S.J. Oh – A partner with the firm, Ms. Oh practices in charity and not-for-profit, and has been recognized as a leading expert in charity and not-for-profit law by *Lexpert*. Ms. Oh is a frequent contributor to www.charitylaw.ca and the *Charity Law Bulletin*, and has spoken at the annual Church & Charity Law™ Seminar as well as at the Canadian Bar Association/Ontario Bar Association's 2nd National Symposium on Charity Law. Ms. Oh's volunteer experience includes formerly serving as board member and corporate secretary of a national umbrella organization, and a director at a local community organization.



Ryan Prendergast – Mr. Prendergast was called to the Ontario Bar in 2010 and joined Carters to practice in the areas of charity and not-for-profit law, corporate and commercial law, and human rights law. A graduate of the University of Ottawa, Faculty of Law, Mr. Prendergast was a caseworker for the Criminal Division at the University of Ottawa Community Legal Aid Clinic, completed a research project for Ecology Ottawa on municipal by-laws, and worked for the Crown Attorney's Office in Toronto as a summer student. During his articles, Mr. Prendergast acquired experience in charity and not-for-profit law, and contributed to several *Charity Law Bulletins* and other publications.



Colin Thurston – Mr. Thurston graduated from Queen's University, Faculty of Law, in 2010. In addition to his academic course load, Mr. Thurston dedicated much of his time to his volunteer work. He volunteered at the Queen's Legal Aid clinic throughout his three years at Queen's and his responsibilities grew from hands-on legal research, writing, and litigation, to supervision and training of his fellow law students, and eventually to input on clinic operations from a policy level. Mr. Thurston has gained litigation experience before numerous courts and tribunals and received numerous awards recognizing his work. He was awarded the Sabbath Prize in Wills and Estate Planning from Queen's University, Faculty of Law.

UPCOMING CARTERS' SEMINARS OF INTEREST

COMING SOON – early in February 2013 - Ottawa Region Charity & Not-for-Profit Law Seminar hosted by Carters in Ottawa, Ontario. More details will be available soon at <http://www.charitylaw.ca>.

Imagine Canada Charity Tax Tools Webinar – On December 4, 2012, Terrance Carter will present "An Extended Overview of Directors' and Officers' Duties and Liabilities" from 1:00 – 2:30 pm. For more information, see <http://www.imaginecanada.ca/civcrm/event/info?reset=1&id=153>.