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THE 25TH ANNUAL *Church & Charity Law Seminar*[™] Thursday, November 8th, 2018

RECENT DEVELOPMENTS IN THE LAW

WELCOME

Welcome to the 25th Annual *Church & Charity Law 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-profits. For legal and accounting professionals, this seminar is eligible for **5 substantive hours LSO CPD credits** and CPA PD requirements.

The Annual *Church & Charity Law Seminar*[™], held every year since 1994, is presented by **Carters Professional Corporation (Carters)**, a law firm with offices in Toronto, Ottawa and Orangeville, and experienced in advising churches, charities and not-for-profits across Canada, both locally as well as internationally. The firm is assisted by several expert speakers this year.

CHECK-IN

If you have REGISTERED AND PAID the registration fee, please obtain your name tag and/or pre-paid 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 and tea are provided throughout the day and muffins are provided in the morning, lunch is not included unless shown on your name tag. Our caterer will have assorted sandwiches, salads, assorted cookies, fruit, coffee, tea, water, pop and juice for those who 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 please.

IMPORTANT REMINDERS

Please silence all cell phones and electronic devices. We ask that no photos, videos or recordings be made during the seminar as per our Privacy Policy. For re-cycling purposes, please return your name tag (after removing your receipt), along with your Evaluation Form, before you leave. **Two police officers will be on duty at 3:30 pm to direct traffic in order to and facilitate departure.**

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 & NFP Law Updates* are available free of charge at our websites at www.charitylaw.ca, www.churchlaw.ca, www.carters.ca, and www.antiterrorism.ca. Copies of *Church Law* and *Charity & NFP Law Bulletins* are on display at the Carters booth in the entrance Foyer.

Copies of the booklet entitled "2018 Legal Risk Management Checklist for Charities" are available for \$2.00 during breaks, and at no charge on our website at <http://www.carters.ca/pub/checklist/CRMchklstNov18.pdf>.

CHARITY & NFP LAW UPDATE

To receive the monthly *Charity & NFP Law Update*, e-mail us at info@carters.ca with "mailing list" in the subject line. Alternatively, please add your name and e-mail address to our Sign-Up List at the Carters booth indicating your consent to receive firm newsletters and information about future seminars. A limited number of copies of the [October 2018 edition](#) of the *Charity & NFP Law Update* are available at the Carters booth today.

QUESTION PERIOD

This year, the question period is at 3:25 pm. A question sheet is provided at the back of this handout and should be left at the front podium in the Auditorium. Unfortunately, not all questions can be answered due to time constraints.

ACKNOWLEDGEMENTS AND THANKS

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 Tony Manconi, Director General of the Charities Directorate of the CRA; Kenneth Goodman, The Public Guardian & Trustee of Ontario; Murray Baird, Assistant Commissioner General Counsel, Australian Charities and Not-for-profit Commission; and Ken Hall, Robertson Hall, for their contribution as our guest speakers at this year's seminar, as well as the lawyers who have volunteered their time for this event. We also wish to thank our many sponsors listed below who help to keep the cost of this seminar as low as possible.

Carters Professional Corporation

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THE 25TH ANNUAL
Church & Charity Law Seminar[™]
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AGENDA

7:30 a.m.	Check-In (Coffee, Tea, Juice and Muffins provided)	
8:30 a.m.	Opening Remarks and National Anthem	
8:40 a.m.	Essential Charity and NFP Law Update	Jacqueline M. Demczur
9:05 a.m.	The Coming of the ONCA (WE HOPE) and What to Start Thinking About	Theresa L.M. Man
9:30 a.m.	Charities and Politics: Where Have We Been and Where Are We Going	Ryan M. Prendergast
9:55 a.m.	Drafting By-laws: Pitfalls to Avoid	Esther S.J. Oh
10:20 a.m.	Morning Break (Coffee and Tea provided) (30 minutes)	
10:50 am	Critical Privacy Law Update	Esther Shainblum
11:05 a.m.	Clearing the Haze: Managing Cannabis in the Workplace in Ontario	Barry W. Kwasniewski
11:30 am	Recent Freedom of Religion Decisions from the Supreme Court of Canada	Terrance S. Carter and Jennifer M. Leddy
12:05 p.m.	What is Happening in Church & Charity Law in Australia? Sharing Ideas from Down Under	Murray Baird, Australian Assistant Commissioner General Counsel
12:25 p.m.	Lunch Break (50 minutes)	
1:15 p.m.	Acknowledgements	
1:25 p.m.	Lessons Learned from Claims to the Courtroom	Kenneth Hall and Sean S. Carter
2:05 pm	The Evolution and Empowerment of Charities in Ontario from the Perspective of the PGT	Kenneth Goodman, The Public Guardian & Trustee of Ontario
2:45 p.m.	Tips for Avoiding Common Errors: A Charities Directorate Perspective	Arlene Proctor, Manager of the Assisted Compliance Section, Charities Directorate of the CRA
3:25 p.m.	Question Period [Not all questions can be answered due to time constraints]	
3:30 p.m.	Program Ends	

Please see **Speaker Biographies** on the following pages, and 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 other not-for-profits and is committed to assisting clients in avoiding legal problems before they occur through effective legal risk management advice, including assistance with:

- Anti-bribery Compliance
- Anti-terrorism Policy Statements
- CRA Charity Audits
- Charitable Organizations & Foundations
- Charitable Incorporation & Registration
- Charitable Trusts
- Charity Related Litigation
- Church Discipline Procedures
- Church Incorporation
- Corporate Record Maintenance
- Director and Officer Liability
- Dissolution and Wind-Up
- Employment Related Issues
- Endowment and Gift Agreements
- Foreign Charities Commencing Operations in Canada
- Fundraising and Gift Planning
- Gift Acceptance Policies
- Governance Advice
- Human Rights Litigation
- Insurance Issues
- International Trade-mark Licensing
- Investment Policies
- Legal Risk Management Audits
- Legal Audits
- National and International Structures
- Privacy Policies and Audits
- Religious Denominational Structures
- Sexual Abuse Policies
- Special Incorporating Legislation
- Charity Tax Opinions and Appeals
- Trade-mark and Copyright Protection
- Transition Under the ONCA

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 Sean Carter at Carters (1-877-942-0001).

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:

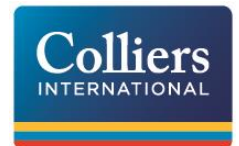
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- **BDO Canada LLP**, Natalie G. Saarimaki, 519-941-0681, www.bdo.ca
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- **LexisNexis Canada Inc.**, 1-800-668-6481, store.lexisnexis.ca
- **Robertson Hall Insurance**, 1-800-640-0933, www.robertsonhall.com
- **Abundance Canada**, 1-888-212-7759, www.abundance.ca
- **Thomson Reuters**, 1-800-387-5164, store.thomsonreuters.ca
- **Guardian Capital Advisors**, 1-800-253-9181, www.guardiancapital.com

SEMINAR RESOURCE EXHIBITORS

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

- **Abundance Canada**, www.abundance.ca
- **BDO Canada LLP**, www.bdo.ca
- **Colliers International**,
www.collierscanada.com/en/services/not-for-profit-advisory-group
- **Hogg, Shain & Scheck**, www.hss-ca.com
- **GMS Chartered Professional Accountants Professional Corporation**, www.gmscpa.ca
- **Guardian Capital Advisors**, www.guardiancapital.com
- **LexisNexis Canada Inc.**, store.lexisnexis.ca
- **Robertson Hall Insurance**, www.robertsonhall.com
- **Thomson Reuters**, store.thomsonreuters.ca
- **Canada Revenue Agency, GST/HST Outreach Program**
- **Canadian Council of Christian Charities**, www.cccc.org
- **Christian Legal Fellowship**, www.christianlegalfellowship.org
- **Imagine Canada**, www.imaginecanada.ca

NEW TORONTO OFFICE

Carters is pleased to announce the opening of its new Toronto office on November 30, 2018 to support its growing team in providing expanded services for our clients in Toronto. The new office is located at 67 Yonge Street, Suite 1402, Toronto, Ontario.

UPCOMING CARTERS' SEMINARS OF INTEREST

COMING SOON – Thursday, February 14, 2019 - Ottawa Region Charity & Not-for-Profit Law Seminar hosted by Carters at the Centurion Conference Centre in Ottawa, Ontario. More details will be available soon at www.carters.ca.

Carters Webinars: 2019 Spring Series - Details to follow at www.carters.ca.

SAVE THE DATE 2019

The 26th Annual **Church & Charity Law Seminar™** will tentatively be held on **Thursday November 7, 2019**. More details will be available in the New Year at www.carters.ca.

CARTERS OFFICE LOCATIONS

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GENERAL DISCLAIMER

Please note the following Disclaimer that applies to all presentations: 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.

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SPEAKER BIOGRAPHIES



Murray Baird, B.A., LL.B., FAICD Assistant Commissioner General Counsel Australian Charities and Not-for-profits Commission (ACNC) formerly Senior Partner of Moores Legal Melbourne Australia specialising in Not-for-profit law and governance. Murray is responsible for legal, policy, registrations, compliance and reporting functions of the ACNC and was part of the leadership team responsible for establishing the Australian charity regulator from its inception. He regularly gives evidence on charity law and regulation to government enquiries and participates as a speaker in national and international conferences on charity law, governance and regulation. Murray also has practical experience in charity governance through several positions on school, church and other charity boards.



Terrance S. Carter, B.A., LL.B, TEP, Trade-mark Agent – Managing Partner of Carters, Mr. Carter practices in the area of charity and not-for-profit law, and is counsel to Fasken on charitable matters. Mr. Carter is a co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* (Thomson Reuters), a co-editor of *Charities Legislation and Commentary* (LexisNexis, 2019), and co-author of *Branding and Copyright for Charities and Non-Profit Organizations* (2014 LexisNexis). He is recognized as a leading expert by *Lexpert*, *The Best Lawyers in Canada* and *Chambers and Partners*, and is a Past Chair of the Canadian Bar Association and Ontario Bar Association Charities and Not-for-Profit Law Sections. He is editor of www.charitylaw.ca, www.churchlaw.ca and www.antiterrorismlaw.ca. tcarter@carters.ca



Sean S. Carter, B.A., LL.B. – Sean Carter is a partner with Carters and the head of the litigation practice group at Carters. Sean has broad experience in civil litigation and joined Carters in 2012 after having articulated with and been an associate with Fasken (Toronto office) for three years. Sean has published extensively, co-authoring several articles and papers on anti-terrorism law, including publications in *The International Journal of Not-for-Profit Law*, *The Lawyers Weekly*, *Charity & NFP Law Bulletin* and the *Anti-Terrorism and Charity Law Alert*, as well as presentations to the Law Society of Ontario and Ontario Bar Association CLE learning programs. scarter@carters.ca



Jacqueline M. Demczur, B.A., LL.B. – A partner with the firm, Ms. Demczur practices in charity and not-for-profit law, including incorporation, corporate restructuring, and legal risk management reviews. Ms. Demczur has been recognized as a leading expert in charity and not-for-profit law by *Lexpert* and *The Best Lawyers in Canada*. She is a contributing author to Industry Canada's *Primer for Directors of Not-For-Profit Corporations*, and has written numerous articles on charity and not-for-profit issues for the *Lawyers Weekly*, *The Philanthropist* and *Charity & NFP Law Bulletin*, among others. Ms. Demczur is also a regular speaker at the annual *Church & Charity Law Seminar*[™]. jdemczur@carters.ca



Kenneth Goodman, B.A., LL.B. –The Public Guardian & Trustee at the Attorney General Office. Mr. Goodman 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. 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.



Kenneth Hall, B.A. (Hons), R.F. – President, Robertson Hall Insurance Inc., Mr. Hall specializes in customized insurance programs and risk management advice for over 7,000 churches and Christian charities across Canada. He is a frequent presenter at national denominational conferences, NGO association events, the Canadian Council of Christian Charities, webinars and educational seminars for churches and para-church organizations. His "Facing The Risk" series highlights current issues facing Christian charities and leaders, including abuse prevention, board governance, counselling services, injury prevention, transportation risk, refugee sponsorship, short-term mission safety, and many more.



Barry W. Kwasniewski, B.B.A., LL.B. – Mr. Kwasniewski joined Carters' Ottawa office in 2008, becoming a partner in 2014, to practice in the areas of employment law, charity related litigation, and risk management. After practicing for many years as a litigation lawyer in Ottawa, Barry's focus is now on providing advice to charities and not-for-profits with respect to their employment and legal risk management issues. Barry has developed an expertise in insurance law, and provides legal advice pertaining to insurance coverage matters to charities and not-for-profits. bwk@carters.ca



Jennifer M. Leddy, B.A., LL.B. – Ms. Leddy joined Carters' Ottawa office in 2009, becoming a partner in 2014, to practice charity and not-for-profit law following a career in both private practice and public policy. Ms. Leddy practiced with the Toronto office of Lang Michener prior to joining the staff of the Canadian Conference of Catholic Bishops (CCCB). In 2005, she returned to private practice until she went to the Charities Directorate of the Canada Revenue Agency in 2008 as part of a one year Interchange program, to work on the proposed "Guidelines on the Meaning of Advancement of Religion as a Charitable Purpose." jleddy@carters.ca



Theresa L.M. Man, B.Sc., M.Mus., LL.B., LL.M. – A partner with Carters, Ms. Man practices in the area of charity and not-for-profit law and is recognized as a leading expert by *Lexpert* and *Best Lawyers* in Canada. In addition to being a frequent speaker, Ms. Man is co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* published by Thomson Reuters. She is vice chair of the CBA Charities and Not-for-Profit Law Section. Ms. Man has also written articles for numerous publications, including *The Lawyers Weekly*, *The Philanthropist*, *Hilborn:ECS* and *Charity & NFP Law Bulletin*. tman@carters.ca

Arlene Proctor - is the Manager of the Assisted Compliance Section, Compliance Division, Charities Directorate, Canada Revenue Agency. Arlene has 27 years of experience with Canada Revenue Agency. In 2013, she relocated to Ottawa and joined the Compliance Division of the Charities Directorate as an Audit Advisor, and later assumed the role of Senior Audit Advisor. Prior to this, Arlene worked in a variety of compliance positions with the CRA at the Charlottetown Tax Services Office. She has managed the Charities Education Program (CEP) since its launch in November 2017, and has overseen the successful completion of over 500 CEP visits. Arlene holds a Bachelor's degree from the University of Prince Edward Island and a Chartered Professional Accountant designation (CPA, CGA). Arlene has previously presented CEP at the Churches, Charities and Not-for-Profits: Knowledge Hub in May 2018.



Esther S.J. Oh, B.A., LL.B. – A partner with Carters, Ms. Oh practices in charity and not-for-profit law, and is recognized as a leading expert in charity and not-for-profit law by *Lexpert*. Ms. Oh has written numerous articles on charity and not-for-profit legal issues, including incorporation and risk management for www.charitylaw.ca and the *Charity & NFP Law Bulletin*. Ms. Oh is a regular speaker at the annual *Church & Charity Law Seminar™*, and has been an invited speaker to the Canadian Bar Association, Imagine Canada and various other organizations. estheroh@carters.ca



Ryan M. Prendergast, B.A., LL.B. - Mr. Prendergast joined Carters in 2010, becoming a partner in 2018, with a practice focus of providing corporate and tax advice to charities and non-profit organizations. Ryan has co-authored papers for the Law Society of Ontario, and has written articles for *The Lawyers Weekly*, *Hilborn:ECS*, Ontario Bar Association, *Charity & Not-for-Profit Law Section Newsletter*, *Charity & NFP Law Bulletins* and publications on www.charitylaw.ca. Ryan has been a regular presenter at the annual *Church & Charity Law Seminar™*, Healthcare Philanthropy: Check-Up, Ontario Bar Association and Imagine Canada Sector Source. rmp@carters.ca



Esther Shainblum, B.A., LL.B., LL.M., CRM - From 2005 to 2017 Ms. Shainblum was General Counsel and Chief Privacy Officer for Victorian Order of Nurses (VON) for Canada, a national, not-for-profit, charitable home and community care organization. Before joining VON Canada, Ms. Shainblum was the Senior Policy Advisor to the Ontario Minister of Health. Earlier in her career, Ms Shainblum practiced health law and corporate/commercial law at McMillan Binch and spent a number of years working in policy development at Queen's Park. Ms. Shainblum practices in the areas of charity and not-for-profit law, health law, and privacy law. eshainblum@carters.ca

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THE 25TH ANNUAL CHURCH & CHARITY LAW SEMINAR November 8, 2018

LIST OF POWERPOINTS

© 2018 Carters Professional Corporation

- ◆ **Essential Charity and NFP Law Update**
Jacqueline M. Demczur, B.A., LL.B.
- ◆ **The Coming of the ONCA (WE HOPE) and What to Start Thinking About**
Theresa L.M. Man
- ◆ **Charities and Politics: Where Have We Been and Where Are We Going**
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