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THE OTTAWA REGION  
***Charity & Not-for-Profit Law Seminar***  
*Thursday, February 18<sup>th</sup>, 2010*

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**RECENT DEVELOPMENTS IN THE LAW**

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**WELCOME**

Welcome to the Ottawa Region *Charity & Not-for-Profit Law Seminar*, which is designed to provide practical information on current legal issues to assist charities in understanding developing trends in the law and reducing unnecessary exposure to legal liability.

The *Charity & Not-for-Profit Law Seminar*, with its related *Church & Charity Law*<sup>™</sup> Seminar in Toronto held annually since 1994, is presented by **Carters Professional Corporation (Carters)**, a law firm experienced in advising charities and not-for-profit organizations across Canada, as well as internationally. The Seminar includes presentations by a number of lawyers from the firm, as well as senior officials from the Charities Directorate at CRA.

**CHECK-IN**

If you have REGISTERED AND PAID the registration fee, please obtain your name tag and handout package in the Fellowship Hall on the main floor and then help yourself to complimentary coffee and muffins.

If you NEED TO PAY the registration fee or have NOT YET REGISTERED, please proceed to the "Unpaid and New Registrations" table in the Fellowship Hall where registration forms are available. 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 finger desserts, coffee, tea and juice at a cost of \$8.00 (taxes included) for those who wish to stay at the church during the lunch period. Lunch tickets can be purchased in the Fellowship Hall **before 8:25 a.m. or during the morning coffee break.**

**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 charities and not-for-profits, 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](http://www.charitylaw.ca), [www.churchlaw.ca](http://www.churchlaw.ca), [www.antiterrorismlaw.ca](http://www.antiterrorismlaw.ca) and [www.carters.ca](http://www.carters.ca). A few select *Charity Law Bulletins* and *Church Law Bulletins* are on display at the Carters booth in the foyer, as well as a list of all *Bulletins* to date available for your information and ease of reference.

**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 complete an e-mail subscription form available at our booth in the foyer.

**QUESTION PERIOD**

Questions are encouraged and will be answered just before the lunch break, and again at the end of the day for those who would like to remain. A question sheet is provided at the back of this handout and should be left at the front lectern in the auditorium at any time during the seminar.

**ACKNOWLEDGEMENTS**

We gratefully acknowledge and thank the pastors, leadership, and congregation of ***Arlington Woods Free Methodist Church*** for the use of their facilities. We would like to also acknowledge Cathy Hawara from the Charities Directorate at CRA for her contribution as guest speaker at this year's seminar. All speakers have freely volunteered their time for this event.

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## AGENDA

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7:45 a.m.	Check-In (Coffee, Tea, Juice and Muffins provided)	
8:30 a.m.	Opening Remarks and National Anthem	
8:35 a.m.	Highlights in Charity and Not-for-Profit Law: The Year in Review	Karen Cooper
9:05 a.m.	The Ins and Outs of the New <i>Canada Not-for-Profit Corporations Act</i>	Jane Burke-Robertson
9:35 a.m.	From Hiring to Firing: Practical Tips to Avoid Employer Liability	Barry W. Kwasniewski
10:05 a.m.	Waivers of Liability for Charity and Not-for-Profit Events: An Evolving Area of the Law	Mervyn F. White
10:35 a.m.	Morning Break (Coffee and tea provided)	
10:55 a.m.	Investment Decision Making During Difficult Financial Times	Terrance S. Carter
11:25 a.m.	Fiduciary Duties and Conflict of Interest	Jane Burke-Robertson
11:55 a.m.	Question Period	
12:05 p.m.	Lunch Break	
12:55 p.m.	CRA's New Guidance on Fundraising: What it Means in Practice	Theresa L.M. Man
1:25 p.m.	Political Activities – What Churches and Charities Can and Cannot Do	Jennifer M. Leddy
1:55 p.m.	CRA's Proposed New Guidance for Charities Operating Outside Canada and Its Implications	Karen J. Cooper
2:25 p.m.	CRA Update, including "What to Do If Your Charity Is Offside"	Cathy Hawara
3:05 p.m.	Question Period	
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 Ottawa Region *Charity & Not-for-Profit Law*<sup>™</sup> Seminar even better.

## SEMINAR HOSTS

**Carters Professional Corporation** is a law firm experienced in serving charities and not-for-profit organizations, and is able to provide specialized legal services in the following areas of charity and not-for-profit law:

- Anti-terrorism Policy Statements
- Charity 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 Portfolio 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 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 NOT-FOR-PROFITS AND CHARITIES

Churches and charities are facing 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 Ottawa Region *Charity & Not-for-Profit Law* Seminar that helps to keep the registration fee to a minimum:

- **LexisNexis Canada Inc.**, Suite 200, 181 University Avenue, Toronto ON M5H 3M7 Tel: 1-800-668-6481
- **Prestige Images.**, Tel. 613-838-5498, Email: [al@prestigeimages.ca](mailto:al@prestigeimages.ca)

## SEMINAR RESOURCE EXHIBITORS

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

- **Canada Revenue Agency**, [www.cra.gc.ca/charities](http://www.cra.gc.ca/charities)
- **LexisNexis Canada Inc.**, [www.lexisnexis.ca](http://www.lexisnexis.ca)
- **Prestige Images**, [www.prestigeimages.ca](http://www.prestigeimages.ca)

**SPEAKER BIOGRAPHIES**



**Jane Burke-Robertson** – A partner with Carters’ Ottawa office, Ms. Burke-Robertson practices in the area of charity and not-for-profit law and has been ranked by *Lexpert* and *The Best Lawyers in Canada* as a leader in her field. She is co-author of *Non-Share Capital Corporations* published by Carswell, and a contributor to Industry Canada’s *Primer for Directors of Not-for-Profit Corporations*. Ms. Burke-Robertson is a frequent speaker and lecturer on charitable and not-for-profit matters and recently taught an advanced seminar on the law of charities and non-profit organizations at the Faculty of Law, University of Ottawa.



**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, Chair of the National Charities and Not-for-Profit Section of the CBA, and has been recognized as a leading expert by *Lexpert* and *The Best Lawyers in Canada*. Mr. Carter is also editor of [www.charitylaw.ca](http://www.charitylaw.ca), [www.churchlaw.ca](http://www.churchlaw.ca) and [www.antiterrorismlaw.ca](http://www.antiterrorismlaw.ca), and a consulting editor of *Charities Legislation and Commentary*, 2010 Edition (LexisNexis Butterworths, 2010).



**Karen J. Cooper** – A partner with the firm, Ms. Cooper practices 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).



**Cathy Hawara** – As Acting Director General, Charities Directorate with the Canada Revenue Agency, a position she holds since October 2009, Ms. Hawara 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. From 2004 to 2006, Cathy was Executive Assistant to the Deputy Minister of Social Development. Cathy also worked as an officer in the Machinery of Government Secretariat at the Privy Council Office.



**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, Barry has a wide range of litigation experience, including in commercial disputes, personal injury, long-term disability, employment, insurance defence, and professional liability. Barry is a volunteer lawyer at Reach Canada, an organization that assists people with disabilities with their legal problems, is on the Board of directors of the Vista Centre, an Ottawa based not-for-profit organization that provides support to persons living with the effects of acquired brain injury, and has assisted in several United Way campaigns.



**Jennifer Leddy** – Ms. Leddy joined Carters’ Ottawa office in March 2009 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 (CCCCB). 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.”



**Theresa L.M. Man** – A partner with Carters, Ms. Man practices in the area of charity and not-for-profit law, with particular emphasis on tax issues. She is an Executive Member of both the Charity and Not-for-Profit Sections of the Ontario Bar Association and the Canadian Bar Association. In addition to being a regular speaker at the annual *Church & Charity Law™* Seminar, Ms. Man has also written articles for *The Lawyers Weekly*, *The Philanthropist*, *Planned Giving Pulse*, *The Bottom Line*, *Canadian Fundraiser eNews*, *Sage Investor* and *Charity Law Bulletin*.



**Mervyn F. White** –A partner with Carters, Mr. White practices litigation and dispute resolution in areas of the law including charity and not-for-profit law, human rights complaints, and risk management assessments relating to insurance law and human rights. Mr. White is a contributing author to *The Lawyers Weekly*, *Charity Law Bulletin* and *Church Law Bulletin*, and a regular speaker at the annual *Church & Charity Law™* Seminar and guest speaker for organizations such as Canadian Fundraiser, the Association of Fundraising Professionals, and the Christian Legal Intervention Academy.