

January 19, 2000

Bill McCloskey
Assistant Commissioner
Canada Customs and Revenue Agency
Policy and Legislation Branch
320 Queen Street
22nd Floor
Ottawa ON K1A 0L5

Dear Mr. McCloskey:

Re: *Working Together* - Next Phase

I am writing on behalf of the Canadian Bar Association National Charities and Non-Profit Law Section. We have had the opportunity to review the recently released report of the Joint Tables, *Working Together*, and we believe that it is timely to provide our initial comments.

The Canadian Bar Association has developed proposals in the past with respect to this area of law and public policy. Most recently, the National Taxation Section and the CBA-Ontario Charity and Not-for-Profit Law Section wrote to the Hon. Herb Dhaliwal on March 30, 1999. The letter proposed an amendment to the *Income Tax Act*, intended to address an ongoing issue with expanding the definition of "charity" by extending the definition of "qualified donee". The letter also made a proposal on how to deal with appeals in a more fair and expeditious manner.

Working Together sets out an important and ambitious agenda for the next few years for the charitable and not-for-profit sector. Our Section is pleased to see that the Government is interested in supporting this sector and improving the legal framework in which it operates. We are equally pleased that the Government proposes to do so in partnership with the sector. We assume this will entail a wider representation from the sector in the consultations. It is also important to include the provincial governments in this partnership, given their constitutional responsibility for charities.

There are no clear answers to the specific questions and issues identified in *Working Together*. Indeed, our experience within the Charities and Non-Profit Law Section suggests that there are strongly held differences of opinions on many of these issues. It is important, therefore, that consensus be developed around the major and fundamental issues — and that sufficient time and resources be allocated for that purpose.

The joint report asks interested parties to comment on two preliminary questions:

Is the proposed process the right one or the wrong one?

Is the proposed relationship between the government and the sector the right one or the wrong one?

The general consensus within the Section is that the proposed process is the right one. However, there must be more involvement from the sector, including allied professionals. There is also general support for an improved relationship between the government and the sector. Care must be taken, though, in developing this relationship to ensure that it is open, effective, appropriate and beneficial.

The Canadian Bar Association has an ongoing interest in the *Working Together* initiative. Our members are both providers of legal services to the sector and participate in their communities on boards of charities. Through the Charities and Non-Profit Law Section, the CBA would like to be more directly involved in the future. Don Bourgeois of the CBA-Ontario Section has been instrumental in coordinating our initial review. The National Section has a growing network of experts in this area of law.

My colleagues and I look forward to working with you and others in the sector to achieve our mutual goals, namely a vibrant, ethical and active charitable and not-for-profit sector that operates for the benefit of Canadians and our communities.

Yours very truly,

Jane Burke-Robertson
Chair
National Charities and Non-Profit Law Section