INTRODUCTION

On May 10-11 2016, 73 invited participants assembled in Calgary to discuss and debate the appropriate roles for Canadian charities in the development of public policy. The consultation was the capstone event for the term of Dr. Roger Gibbins as Senior Fellow at Max Bell Foundation. In addition to several public presentations and three publications in The Philanthropist, Dr. Gibbins has prepared a 66-page manuscript entitled Call To Arms: Policy Advocacy and Canadian Charities. The full manuscript is available here: http://www.maxbell.org/CTA/index.htm

The consultation coincided with a unique opportunity presented by the new government in Ottawa. The recent mandate letter to The Honourable Diane Lebouthillier, Minister of National Revenue, includes the following bullet point, which is one of her three “top priorities”:

Allow charities to do their work on behalf of Canadians free from political harassment, and modernize the rules governing the charitable and not-for-profit sectors, working with the Minister of Finance. This will include clarifying the rules governing “political activity,” with an understanding that charities make an important contribution to public debate and public policy. A new legislative framework to strengthen the sector will emerge from this process. This should also include work with the Minister of Families, Children and Social Development to develop a Social Finance and Social Enterprise strategy.

“Modernizing the rules governing the charitable and not-for-profit sectors” could include many things. A “social finance and social enterprise strategy” are mentioned explicitly in Minister Lebouthillier’s mandate letter. That said, the focus for this consultation was the “important contribution to public debate and public policy” that charities make.

This consultation was framed by the claim, powerfully made by Dr. Gibbins, that charities have a moral obligation to participate in public policy development. The conversations were informed by international and Canadian experts on law and policy related to advocacy by charities. It was informed as well by veteran policy advocates.

The objective for the consultation was to make a significant contribution to the development of consensus within Canada’s charitable sector on the question of how the sector would like its public policy advocacy to be valued and regulated by Canadian governments. It also aimed to identify some preliminary steps the charitable sector would need to undertake to help realize that consensus. While the organizers understand that the “consensus” referred to above will inevitably be incomplete, they believe the group gathered for this event (see the list of participants in Appendix A below) was fairly representative of the organizations within Canada’s charitable sector who have an interest in how public policy advocacy by charities is regulated.
ACKNOWLEDGEMENTS

Many individuals contributed to the success of this event. Max Bell Foundation would like to thank Dr. Roger Gibbins for his sustained and insightful contribution to this debate. Thanks to all the participants who gave of their time and energy to make the consultation a success. The panelists listed in the program in Appendix A all generously gave their considerable expertise to inform the conversations, and we thank them as well. Thanks to Lynne Toupin, who provided indispensable advice about the overall design of the event, and did an exceptional job as moderator. We would like to thank Heidi Dunstan of Summit Designs for so ably managing all the logistics of the event. Thanks are due to the staff of The Philanthropist, who provided invaluable help in publicizing the event and the pre-consultation survey. Finally, our sincere thanks to Bob Wyatt and The Muttart Foundation for both financial and intellectual support of this effort.

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EXECUTIVE SUMMARY

Charities play a critically important role in the development of public policy in Canada. They bring a range of expertise and a set of values to policy development that would otherwise be under-represented or absent. Most agreed that, given their role in Canadian society, charities have a moral obligation to engage in policy development.

There was unanimous agreement among those who participated in this consultation that more and better public policy advocacy by charities would be a good thing. Several key issues were clarified: what CRA refers to as “political activity” is a narrowly defined set of activities that can be (though aren’t necessarily) useful to effective public policy advocacy. The definition of “political activity” could be made more clear by the regulator. There is an important distinction between charities and nonprofits when it comes to the policy on “political activity,” as the policy applies to the former but not the latter. The role of nonprofits (as opposed to charities) in public policy advocacy has not been well examined.

The ongoing project to audit 54 charities with a focus on “political activity” has, in recent years, drawn attention to the advocacy efforts of charities. In some respects it challenges the prospects for an improved relationship between charities and the regulator. In some respects it has galvanized pockets of the sector to collective action.

There was almost unanimous agreement among participants that partisan activities by charities should remain prohibited. There was little appetite to create an arm’s length commission to govern charities. There was a general consensus that the limit on “political activities” (i.e., “the 10% rule”) should be removed. Considerable support was given to the idea that this could be accomplished by removing reference to charitable “activities” from the *Income Tax Act*, and leaving the meaning of charity to be determined only in relation to charitable “purposes” as determined in the common law.

There was consensus that this focus on “political activities” should be conceived as the first stage in a two-stage process, the second of which would be to focus on the broader legislative framework governing charities. In terms of strategy, there was general agreement that this work should be led by the sector’s umbrella organizations – notably Imagine Canada - and some of the large well-known charities. Finally, it was agreed that the desire for consensus across the sector should not over-ride the need to move quickly.
THE MORAL IMPERATIVE FOR POLICY ADVOCACY BY CHARITIES

The day began with a keynote presentation by Roger Gibbins. Dr. Gibbins was Max Bell Foundation's Senior Fellow between October 2014 and June 2016. The focus of his work during that time was the roles of charities in public policy development. Dr. Gibbins’ talk is summarized as follows:

- Public policy advocacy by charities injects a set of values into policy development that would otherwise be missing. It also injects, in many cases, experience from front line service delivery. As such, involvement in policy advocacy by charities is really part and parcel of the charitable mission; charities have a moral obligation to participate in the development of public policy.

- That said, there are important constraints on charities engaging in public policy advocacy. These include complicated regulation, an internal culture of many charities that makes them reluctant to engage in anything “political,” and operational limitations within charities on expertise and funding. However, if we accept the moral imperative argument, we must work to alleviate these constraints.

- The charitable sector has grappled with these issues for a long time. What is different today is that we have a new federal government that has clearly identified the advocacy role of charities as a priority. The sector has three basic options:
  - Do nothing on the expectation that the federal government will follow through on its commitment to change and make the necessary improvements. This approach requires no resources, but risks the possibilities of either government inaction, or action that could in fact make things worse for charities.
  - Advocate for modest, incremental change to the status quo such as clarification of the current regulation or evolution of the common law.
  - Advocate for deeper change and aspire to re-cast the legal and institutional environments in which charities do public policy advocacy.

- The third option – deep change – would bring many challenges, as today’s speakers will detail. To meet those challenges, leadership within the charitable sector would need to do several things:
  - refine and strengthen the case for reform
  - develop a consensus proposal for reform and test it within the broader community
  - recruit champions to help advance the proposal
  - link the reform proposal to the big themes of the current federal government, including democratic reform and improvements for the middle class

- To summarize: charities have a moral imperative to act; the timing is opportune; and much heavy lifting remains to be done.
REGULATION OF POLICY ADVOCACY IN OTHER JURISDICTIONS

Participants then heard from the following experts who gave perspectives on how public policy advocacy is regulated in the United States, the United Kingdom, and Australia:

- Marc Owens - Partner, Loeb and Loeb LLP (Washington DC)
- Lindsay Driscoll - Consultant, Bates Wells Braithwaite (London, UK)
- Bob Wyatt (Australia) – Executive Director, The Muttart Foundation (Edmonton, AB)

United Kingdom
The main piece of legislation is the Charities Act (2011), which came into effect on 14 March 2012. It sets out how all charities in England and Wales are registered and regulated.

“Political activity” that is non-partisan is recognized as legitimate. However, political campaigning, or “political activity,” must be undertaken by a charity only in the context of supporting the delivery of its charitable purposes, which cannot themselves be political. Political campaigning must not be the continuing and sole activity of the charity. A charity may choose to focus most, or all, of its resources on political activity for a period. The key issue is the need to ensure that this activity is not, and does not become, the reason for the charity’s existence.

United States
In the United States, the regulatory term for attempting to influence legislation is “lobbying.” An organization is seen to be lobbying if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.

Tax exempt organizations are able to choose between two regulatory frameworks to govern their lobbying. The first – the “substantial part” test - permits lobbying as long as it is not a “substantial part” of the organization’s activities. The IRS considers time and expenditures, among other factors, when applying the “substantial part” test, but the boundary between acceptable and excessive lobbying can be difficult for organizations to know. A second framework – the “expenditure” test – can be chosen by organizations. The IRS publishes clear dollar-based limitations on lobbying expenditures that is based on expenditures on other, tax exempt purposes.

Australia:
The Australia Charities and Not-for-Profits Commission recently released its guidance on political activities. Australian charities may have a non-partisan political purpose so long as it supports another purely charitable purpose. As in Canada, the guidance does not provide much assistance in determining when a political purpose rises to the level of the primary purpose of the charity, something that is clearly not allowed. The Commission’s description of what activities are allowed is very similar to that provided in the Canadian guidance.
WHAT IS THE CHANGE WE WANT?

Round One of Two

Prior to attending the consultation, participants were asked to complete an online survey about their views and opinions on advocacy by charities in Canada. The following are highlights of the pre-event survey results:

- 97% said charities should be more involved in public policy advocacy.
- 61% said the relationship between charities and the Government of Canada “significantly deteriorated” in the years leading up to the 2015 federal election. A further 33% said it “deteriorated, but not by much.”
- Just 3% thought “doing nothing” was the appropriate response to the opportunity to change the advocacy relationship between charities and governments. The rest of the group was evenly split on whether “fine tuning” or “fundamental redesign” was the appropriate way forward.

To stimulate conversation, participants were asked:

- In terms of public policy advocacy, what is it charities want to do that they cannot currently do?
- If you assume the federal government and charitable sector will work together in the months ahead to change how policy advocacy is regulated, how would you describe the ideal end state of that process for charities?

Participants discussed these questions in small groups and reported back, making the following points:

- At the moment, there is a perception – at least among a significant number of charities – that they cannot engage in activity that may in fact be permitted. The perception may extend beyond charities to potential funders, who may be reluctant to support “political activity” for fear of contravening policy. By contrast, those who feel confident they understand the policy believe there is in fact little charities are prevented from doing.
- The CRA guidance around “political activity” is not as clear as it could be.
- Another significant issue is the limited capacity of charities to undertake public policy advocacy.
- Partisan activity should remain prohibited.
- An ideal end state would be to have clear encouragement from the regulator, and an enabling regulatory environment that permits charities to engage as much as they wish in “political activity,” so long as their purpose remains charitable.
- An ideal end state would also include a positive, publicly affirmed, mutually respectful relationship between government and charities governed by clear and easily applied rules.

Participants then heard from an expert panel who were asked to respond to the views expressed about what an ideal end state reform of charities regulation should look like.

Susan Manwaring, National Lead of Miller Thomson’s Social Impact Group, made the following points:

- Constitutionally, charity is the jurisdiction of provincial governments. The federal government is seen as the primary regulator because of the tax advantages it confers on registered charities. Whether and how provincial governments would or should be involved in the kinds of changes we seek is a potentially very difficult problem.
- What we often refer to as the “10% rule” was originally intended to be a relieving provision, ensuring that charities could in fact do some of the things defined as “political activity.”
agreement in the room that we want to do away with that rule, which would require legislative change. Presumably it’s the *Income Tax Act* where such change would happen, but we should keep in mind that government could also create legislation under its taxing authority that isn’t part of the *Income Tax Act*.

- When we think about “political activity,” we should also give thought to electioneering. Where, for example, is the bright line between permitted “political activity” and partisan activity when the subject is the actions or statements of a person who *may* seek election or re-election?
- The mandate letter to Minister Lebouthillier refers to “modernizing the rules governing the charitable and not-for-profit sectors,” and “a new legislative framework.” We need to be clear in our thinking about how our concerns over policy advocacy and “political activity” are connected to the larger framework referenced by the government. It could be that seeking change around “political activity” is the first step along a path to larger reform.
- We also need to be mindful that other political parties need to be engaged, as the issues at hand will out-live the current parliament.

Bruce MacDonald, President and CEO of Imagine Canada, made the following points:

- Recent research conducted by Imagine Canada indicates charities are doing as much “political activity” today as they were before the program of political activities audits began. By this measure, if there is an “advocacy chill,” it isn’t as strong as many might expect. There may be a chill around *what* we say, or *how* we say it, but the evidence is we, as a sector, remain just as engaged in “political activity” as we were several years ago.
- Government – elected officials and public servants – are more likely to recognize the brands of the large charities than they are to recognize our sector umbrella organizations. A key strategic question we need to face is how do we motivate such large charities to mobilize around this issue when they are stretched to meet their own missions?
- The number one barrier charities identify to doing policy advocacy is a lack of staff time. We should also keep in mind that if we want to collectively advance an “ask” to government, we’ll need to spend significant time and resources on building sector cohesion.

Carl Juneau, Former Executive in the Charities Directorate, made the following points:

- The section of the *Income Tax Act* dealing with charities (149.1) distinguishes between charitable *purposes* and charitable *activities*. The distinction was originally put in place when only certain charitable entities could transfer funds to other charities. It was thought that defining a charitable organization would more clearly distinguish between those that *funded* charitable work and those that *carried it out* (hence the focus on "charitable activities carried on by the organization itself").
- Later changes to the *Income Tax Act* have limited the need for this distinction, but the concept of charitable *activities* has come to be used in other ways in the statutory and administrative framework governing registered charities. This is a problem for a number of reasons. It has been read overly literally and applied in contexts beyond what was originally intended. As a result, it has raised issues around foreign aid and the funding of certain domestic organizations, reporting and accounting requirements, denials of registration based on activities, and – of course - the now disputed limits on political activities. Further, it has been a barrier to evolution of the common law meaning of charity. The courts have had to grapple with importing the concept of *activities* into an analysis that has
traditionally focused on *purposes*. This seems to have made them more reluctant to innovate against the wishes of Parliament as expressed in the *Act*. In short, Juneau suggests the notion of *activities* in the context of charity in Canada has been misinterpreted, and taken to excess by CRA policies.

- The *Income Tax Act* includes references to “political activity” that are intended to be permissive. They were inserted in recognition that some things charities do in pursuit of their purposes can legitimately be “political,” as long as they are not partisan. But the definitions, interpretations, and limitations on such “political activity” in CRA guidance, which rely in part on the concept of charitable *activity*, have generated significant confusion and have been a focus of ongoing debates.

- The original problem that led to all of this confusion – namely, how to define a “charitable organization” - could be resolved by bringing the definition embedded in the *Income Tax Act* in line with the common law. That would entail having the meaning of charity focus only on *purposes* and not include consideration of *activities*. This would resolve the original problem, but would also enable the regulation of charities, including regulation of their political activities, to rely on the evolution of common law rather than on a confusing legislative framework.

**Round Two of Two**

Participants were then asked:

- what ideal end state would you recommend at this point? Would you change your answer from the earlier set of conversations?
- what would be required to make that ideal end state a reality? (try to stick to strategy; don’t drop down to the level of tactics)
- what advice would you have for an organization wanting to lead (or co-lead) this change?

Participants discussed these questions in small groups and reported back, making the following points:

- Carl Juneau’s proposal to update the *Income Tax Act* should be pursued. Clarifying the confusion around “purposes” and “activities” would go a long way toward improving the treatment of “political activities” as well as a number of other issues. Ideally, we would have a regulatory regime requiring that charities have a charitable purpose, but would be free to undertake “political activities” in pursuit of that purpose without limit, so long as the purpose itself did not become political.
- While it garnered modest support, the idea of an arm’s length commission, like the Charities Commission in the UK, should not be pursued.
- Simply changing the regulatory framework is not going to result in more or better public policy advocacy by charities. We also need to change the practices of funders and charities so that charities are better positioned to do more and better policy advocacy work.
- Ultimately, we want governments to regularly seek policy advice from charities.

In terms of advice for an organization leading this change, participants said:

- Be bold, be rigorous, and be sure it’s well funded. Be sure to have enough government relations and communications support to get the job done.
- Focus narrowly on the specific ask, which should be to change the small part of the *Income Tax Act* per Carl Juneau’s proposal.
- Mobilize networks of charities as well as umbrella organizations. Ensure the process is transparent and felt by the sector to be legitimate.
• At the same time, move quickly. Building consensus would take time we likely don’t have, as the current window of opportunity could close quickly. Build a critical mass and move forward.
• Find and use allies within government, and be sure to engage all political parties.
• Develop and communicate case studies of successful public policy advocacy so that charities and funders can see the value of this kind of work.

EXPERTS ON CHARITIES DOING PUBLIC POLICY ADVOCACY

Participants then heard from a panel of experts at doing public policy advocacy:
• Danah Duke - Executive Director, Miistakis Institute
• Callum Ross - Advocacy and Social Policy Lead, Canadian Mental Health Association Calgary Region
• Elsbeth Mehrer - Director, External Relations, YWCA of Calgary

The panel inspired participants with their wisdom and energy. Using concrete examples, each explained why public policy advocacy is important to their respective organizations, identified successes they’ve had, and identified a range of challenges public policy advocates face. While the regulatory framework could be improved, the more pressing concerns these experts identified include:
• lack of expertise within charities at doing policy advocacy
• insufficient financial support for policy advocacy by charities
• reluctance of both Boards of Directors and donors to support policy advocacy as essential to achieving a charitable mission

Participants then heard from another expert panel who brought additional perspectives to the questions at hand – two from umbrella organizations and one with direct experience providing professional development to charities doing policy advocacy.

• Bruce MacDonald – President & CEO, Imagine Canada
• Hilary Pearson - President & CEO, Philanthropic Foundations Canada
• Brenda Eaton – Faculty, Max Bell Public Policy Training Institute and Faculty, United Way of the Lower Mainland Public Policy Institute

This panel made the following points:
• The charitable sector in Canada appears to be in the early stages of finding a focussed way to respond to the opportunity signalled by the mandate letter to Minister Lebouthillier. Success, however, will depend on securing sufficient funding, telling the right story, and mobilizing the right networks.
• Most charities are not focussed at all on the regulation of “political activities,” and even those who doing policy advocacy are likely to remain focussed on their own work rather than engage in the kind of collective effort it would take to successfully advance the “ask” we’re discussing today. Those of us who want to pursue this opportunity need to connect the organizations who can be persuaded to join the effort, understand the process of making an ask to government, and stay focussed.
• Strategically, we should be thinking about a two stage process. The first should be focussed on “political activity” and policy advocacy; the second should tackle the broader question of a “new legislative framework” for the sector.
The regulation of “political activities” is not the biggest barrier for charities wanting to do public policy advocacy. We should keep in mind that the rationale for pursuing this work is based on the principle that charities should be permitted more latitude to do policy advocacy. We should also keep in mind that a key reason for timely action is the opportunity presented to us by the mandate letter to Minister Lebouthillier – this is a very rare, once-in-a-generation opportunity.

**DEVELOPING A STRATEGY**

Participants were then asked specific questions about strategy:

- what are the top three strategic considerations framing any action plan?
- who are the main players that will need to be involved?
- what are the top three barriers that will need to be overcome?
- what are the first two or three tasks that need to be undertaken?

They made the following points:

- We should co-create a solution with government.
- We’ll need to have a clear, precise ask and understand its implications for the various stakeholders who will be affected. We’ll need a well conceived strategy and timeline – whether it be one or two terms of government.
- We’ll need to engage both government and civil service as well as allied professionals, labour, and industry.
- The main players should be the umbrella organizations, and particularly Imagine Canada. That said, we’ll need to be careful about inclusion across sub-sectors, regions, and linguistic communities.
- Key challenges will include funding the work, balancing consensus with the need for quick action, finding space on a crowded federal agenda, and mobilizing the partners were need.

In a final session, participants were asked to surface issues or concerns that had not already been addressed. They raised a variety of points:

- The project to audit 54 charities specifically for “political activities” remains a concern for some in the sector, and could present a challenge to positive forward momentum.
- Consideration should be given to inviting voices to this conversation we haven’t heard from yet. That would include First Nations / Aboriginal voices, francophone civil society, and religious organizations.
- Civil society organizations that are not registered charities play important roles in policy development, and their views should be considered as well.
CALL TO ARMS: A CONSULTATION ON THE FUTURE OF POLICY ADVOCACY BY CHARITIES IN CANADA

Downtown Campus, University of Calgary
906 – 8th Avenue SW, Calgary

May 10-11, 2016

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program</td>
<td>2</td>
</tr>
<tr>
<td>Brief Background</td>
<td>4</td>
</tr>
<tr>
<td>Objective</td>
<td>5</td>
</tr>
<tr>
<td>Logistics</td>
<td>5</td>
</tr>
<tr>
<td>Small Group Discussion Guide</td>
<td>6</td>
</tr>
<tr>
<td>Speaker Bios</td>
<td>11</td>
</tr>
<tr>
<td>Attendees</td>
<td>15</td>
</tr>
<tr>
<td>Blank Pages for Notes</td>
<td>18</td>
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## TUESDAY MAY 10

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Presenter/Details</th>
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<tbody>
<tr>
<td>9:00</td>
<td>Welcome and Introduction</td>
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<td>Moderator: Lynne Toupin</td>
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| 10:45 | Expert Panel: Regulation of Public Policy Advocacy in the US, UK, and Australia | Marc Owens - Partner, Loeb and Loeb LLP (Washington DC)  
Lindsay Driscoll - Consultant, Bates Wells Braithwaite (London, UK)  
Bob Wyatt (Australia) – Executive Director, Muttart Foundation (Edmonton, AB)  
Moderated by Lynne Toupin |
| 11:30 | Reality Check: Options for Reform and What Each Entails             | Allan Northcott – Vice President, Max Bell Foundation                                                                                             |
| 12:00 | Lunch                                                               |                                                                                                                                                   |
| 1:00  | Small Group Discussions: Our Aspirations for Policy Advocacy        |                                                                                                                                                   |
| 1:45  | Reports Back: Our Aspirations for Policy Advocacy                  | Lynne Toupin                                                                                                                                       |
| 2:15  | Break                                                               |                                                                                                                                                   |
| 2:45  | Expert Panel: SWOT Analyses of Aspirations and Paths Forward        | Bruce MacDonald – President & CEO, Imagine Canada  
Carl Juneau – Former executive in the Charities Directorate  
Susan Manwaring - National Lead, Miller Thomson’s Social Impact Group  
Moderated by Lynne Toupin |
<p>| 3:30  | Small Group Discussions: Setting The Course and Advice on The Route |                                                                                                                                                   |
| 4:15  | Reports Back: Setting The Course and Advice on The Route            | Lynne Toupin                                                                                                                                       |
| 4:45  | Recap of the Day                                                    | Roger Gibbins - Max Bell Foundation Senior Fellow                                                                                                |
| 5:00  | Adjourn                                                             |                                                                                                                                                   |
| 5:30  | Reception                                                           | at Downtown Campus, University of Calgary                                                                                                           |
| 6:30  | Dinner                                                              | at Downtown Campus, University of Calgary                                                                                                           |</p>
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<td>8:30</td>
<td>Continental Breakfast</td>
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<td>9:00</td>
<td><strong>Introduction to Day Two</strong></td>
<td><strong>Lynne Toupin</strong></td>
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<td>and Faculty, United Way of the Lower Mainland Public Policy Institute</td>
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<td><strong>Reports Back: Developing the Marching Orders</strong></td>
<td><strong>Lynne Toupin</strong></td>
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<td>12:30</td>
<td><strong>On-Line Survey of Participants: Rating The Options</strong></td>
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<td><strong>Survey Results</strong></td>
<td><strong>Lynne Toupin</strong></td>
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<td><strong>Commentary: Tim Brodhead</strong> - Senior Fellow, Social Innovation</td>
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The recent mandate letter to The Honourable Diane Lebouthillier, Minister of National Revenue, includes the following bullet point, which is one of her three “top priorities”:

* Allow charities to do their work on behalf of Canadians free from political harassment, and modernize the rules governing the charitable and not-for-profit sectors, working with the Minister of Finance. This will include clarifying the rules governing “political activity,” with an understanding that charities make an important contribution to public debate and public policy. A new legislative framework to strengthen the sector will emerge from this process. This should also include work with the Minister of Families, Children and Social Development to develop a Social Finance and Social Enterprise strategy.

There's growing agreement across the sector that we are facing a rare opportunity to engage with the federal government on a policy issue that will have lasting impacts on key elements of our charitable work.

This consultation certainly won’t be the last word or the last opportunity to engage. But it has been designed to be an important opportunity. A range of sectors leaders, representatives from the federal public service, and international experts will participate in panels and small group conversations.

“Modernizing the rules governing the charitable and not-for-profit sectors” could include many things. A “social finance and social enterprise strategy” are mentioned explicitly in Minister Lebouthillier’s mandate letter. That said, our focus for this consultation is on the “important contribution to public debate and public policy” that charities make.

This consultation is framed by the claim, powerfully made by Max Bell Foundation’s Senior Fellow Dr. Roger Gibbins, that charities have a moral obligation to participate in public policy development. Our conversations will be informed by international and Canadian experts on law and policy related to advocacy by charities. It will be informed as well by veteran policy advocates.

A report on the consultation will be shared with sector leaders and elected officials, and all participants will receive an electronic copy.

* * * * *

Roger Gibbins has been Max Bell Foundation’s Senior Fellow since October, 2014. His work has focused on the roles of charities in public policy development. In addition to several public presentations, Dr. Gibbins has prepared a 66-page manuscript entitled Call To Arms: Policy Advocacy and Canadian Charities. The full manuscript is available here: [http://www.maxbell.org/CTA/index.htm](http://www.maxbell.org/CTA/index.htm)

Dr. Gibbins’ work is available in shorter forms as well. The following two articles recently published in The Philanthropist capture important background for this consultation:

The Moral Imperative for Policy Advocacy
[http://thephilanthropist.ca/2016/02/the-moral-imperative-for-policy-advocacy/](http://thephilanthropist.ca/2016/02/the-moral-imperative-for-policy-advocacy/)

The Moral Imperative for Policy Advocacy, Part 2: Options for Reform
OBJECTIVE

The objective for this consultation is to make a significant contribution to the development of consensus within Canada’s charitable sector on the question of how the sector would like its public policy advocacy to be valued and regulated by Canadian governments. Further, we hope to identify at least some preliminary steps the charitable sector would need to undertake to help realize that consensus.

The consultation has been designed to achieve this objective by informing participants and engaging them in a set of structured conversations, the results of which will feed into a report on the event.

While the organizers understand that the “consensus” referred to above will inevitably be incomplete, we believe the group gathered for this event is fairly representative of the organizations within Canada’s charitable sector who have an interest in how public policy advocacy by charities is regulated. The report on this consultation will be shared broadly, including with regulators.

LOGISTICS

The entire consultation will be held at the downtown campus of the University of Calgary. The program will be delivered in the main hall. The atrium is available for our use as well, whether during breaks or meals.

The reception and dinner will be held on the second floor, adjacent to the top of the stairs from the atrium.

WIFI is available to all participants. Connect to the AirUC-Guest Wireless Network on your device. Upon opening up a new browser window, you will be redirected to a registration page.

You will need to have a valid email address and telephone number (SMS enabled) in order to register. You will be sent a password via both email message and SMS text message upon successful registration on the AirUC-Guest portal.

Access to AirUC-Guest will last for 72 hours across all four university campuses. If you require access for a longer period, simply repeat the process above.

Visitors without access to email and an SMS enabled telephone number will need to contact the IT Support Centre at 403-220-5555.
SMALL GROUP DISCUSSION GUIDE

SEATING PLANS AND PROCESS

For each of the four small group discussion sections of the program, we have shuffled the groups of participants in order to provide each of you with as much exposure as possible to other participants.

In the four tables on the following pages, the first row indicates the table number. The columns under each table number are the surnames of the participants assigned to that table. Please join the correct table for the small group discussion in question.

Names in bold-face are table hosts, who have agreed to help keep the conversation on time and on topic. Names in shaded boxes are participants who are being asked to act as note-takers for conversation. Forms will be provided at each table for note-takers to use.

During the report-back period following each conversation, time will not permit all tables to be asked to report. The moderator will allow some time at the end of each report back session to ensure all salient points in the conversations are reported back. Further, the notes from all tables will be included in the materials on which the consultation report will be based.

GUIDING QUESTIONS

The following are the questions participants will be tasked with answering during the small group discussions.

(1) Our Aspirations for Policy Advocacy (Tuesday 1:00 PM – 1:45 PM)

- In terms of public policy advocacy, what is it charities want to do that they cannot currently do?
- If you assume the federal government and charitable sector will work together in the months ahead to change how policy advocacy is regulated, how would you describe the ideal end state of that process for charities?
(2) Setting The Course and Advice on The Route (Tuesday 3:30 PM – 4:15 PM)

Based on what you’ve heard since the last small group conversations:
  • what ideal end state would you recommend at this point? Would you change your answer from the 1:00 PM set of conversations?
  • what would be required to make that ideal end state a reality? (try to stick to strategy; don’t drop down to the level of tactics)
  • what advice would you have for an organization wanting to lead (or co-lead) this change?

(3) Developing Marching Orders (Wednesday 11:00 AM – 12:00 PM)

Based on what you’ve heard since the last small group conversations:
  • what are the top three strategic considerations framing any action plan?
  • who are the main players that will need to be involved?
  • what are the top three barriers that will need to be overcome?
  • what are the first two or three tasks that need to be undertaken?
(4) Final Advice (Wednesday 1:45 PM – 2:30 PM)

- Given what you’ve heard about the direction we have collectively set, and the results of the survey, what additional input / advice would you offer? Has anything critical been missed? Do you see a role for your own organization?
### Our Aspirations for Policy Advocacy – Tuesday 1:00 PM

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### Setting The Course and Advice on The Route - Tuesday 3:30 PM

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### Final Advice - Wednesday 1:45 PM

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**SPEAKERS**

**Tim Brodhead**  
Senior Fellow, Social Innovation Generation

Tim Brodhead was from 1995 to 2011 President and Chief Executive Officer of The J.W. McConnell Family Foundation, a private foundation based in Montreal. He continued as a Senior Fellow of Social Innovation Generation (SIG) until 2013, and was appointed Interim President of the Pierre Elliot Trudeau Foundation in 2013-14.

Prior to joining the McConnell Foundation, Tim spent twenty-five years working in international development, first in West Africa and then as founding director of several non-governmental organizations, including ACORD (based in London, now Nairobi) and as co-founder of Inter Pares (Ottawa).

In a voluntary capacity he has served on many boards, including the Social Sciences and Humanities Research Council (SSHRC), Concordia University, Centraide de Grand Montréal, and was chair of Philanthropic Foundations Canada. He chaired ETC Group until 2015, and was a board member of the Fondation Jeanne Sauvé, the Montreal Community Foundation and IMAGINE Canada.

Tim currently co-chairs Canadians for a New Partnership and is a board member of The Natural Step, Engineers Without Borders (EWB-Canada), the Fondation Lucie et André Chagnon, and the Inspirit, OMEGA, Jarislowsky, Glenn Gould and Ottawa Community Foundations. He is on the Advisory Boards of Musagetes, the MaRS Solutions Lab and the McGill Institute for Health and Social Policy, and is a member of the Waterloo Institute for Social Innovation and Resilience (WISIR).

**Lindsay Driscoll**  
Consultant, Bates Wells Braithwaite (London, UK)

Lindsay Driscoll is a consultant with Bates Wells and Braithwaite and lectures as Cass Business School. Until 2008, she was a Legal Commissioner at the Charity Commission (UK). She has over 30 years of experience in the field of charity law - as Head of Legal and Governance as NVCO, as a partner with Sinclair Taylor & Martin, and as a consultant both in the United Kingdom and internationally. Driscoll graduated from Oxford University with Jurisprudence, and went on to qualify as a solicitor at a City of London firm. She has been a member of the executive committee of the Charity Law Association and is currently on the board of Dance United, the International Center for Not-for-Profit Law, a community foundation and a small theatre company.

**Danah Duke**  
Executive Director, Miistakis Institute

Danah has been the ED of the Miistakis Institute for the past 15 years. The Miistakis Institute is a not for profit environmental research institute affiliated with Mount Royal University in Calgary Alberta. Miistakis scientifically investigates environmental challenges, analyzes policy implications, develops decision support tools, and catalyzes community conservation action to realize environmental benefits and outcomes. Danah holds M.Sc. in Environmental Biology and Ecology at the University of Alberta and a B.Sc. in Biology from McMaster University.
**Brenda Eaton**  
Corporate Director  

Ms. Eaton is a corporate director serving on the boards of FortisBC, Transelec, Translink and the BC Safety Authority, as well as several not-for profit organizations, including Max Bell Foundation. She also Chairs the Core Area Wastewater Treatment Commission, which is constructing Victoria’s new sewage treatment project. Previously she served in a variety of positions in the government of British Columbia, most recently as Deputy Minister to the Premier and prior to that as Deputy Minister of Finance and Treasury Board; Energy and Mines; and Social Services. She was also Chief Financial Officer at the Capital Health Region. Ms. Eaton has been awarded the Queen’s Golden Jubilee Medal and has three times been named in the 100 Most Powerful Women in Canada. She has a Masters Degree in Economics.

**Roger Gibbins**  
Senior Fellow, Max Bell Foundation  

Roger has been a Senior Fellow at the Max Bell Foundation since 2014. He received his doctorate in political science from Stanford University in California. He moved to Calgary in 1973 to begin an academic career at the University of Calgary, where he served as Department Head from 1987 to 1996. He has authored, co-authored or edited 23 books and more than 150 articles and book chapters, most dealing with western Canadian themes and interests. From 1998 to 2012, he served as President and CEO of the Canada West Foundation, a public policy research group based in Calgary. During his time at Max Bell Foundation, he has focused on the roles of Canadian charities in both delivering public programs and engaging in public policy.

**Carl Juneau**  
Pemsel Case Foundation  

Now retired, but formerly with the Quebec Bar as well as an executive in the Canada Revenue Agency, Carl Juneau has more than 28 years’ experience in the regulation of charities through the Canadian Income Tax Act. This includes experience both in the Agency’s Charities Directorate and in the Tax Policy Branch of the Department of Finance, in the areas of policy development, registration and revocation of charities, legislative amendments, and appeals to the courts.

**Bruce MacDonald**  
President & CEO, Imagine Canada  

Before joining Imagine Canada in July 2014, Bruce served as CEO of Big Brothers Big Sisters of Canada for ten years, and prior to that as the organization’s Vice-President of Marketing. Bruce is bilingual, has led major change initiatives and developed long and innovative partnerships with corporations and other charities. Bruce has been active in many organizations, including two YMCAs, the Ontario Senior Games and Kinsmen and Kinette Clubs. He brings passion, knowledge and skill to everything he does. Bruce holds a Bachelor of Commerce in Sports Administration and a Masters in Management in the Voluntary Sector.
Susan Manwaring
Partner, Miller Thomson

Susan Manwaring is the Lead of Miller Thomson’s Social Impact Group. Susan works with clients from the voluntary sector and provides both specialized tax and general counsel advice to charities and not-for-profit organizations across Canada and Internationally. Susan advises on establishing charities and non-profit organizations and works with them to address their operational and governance concerns. She is knowledgeable in the law relating to charitable expenditures and day to day questions of charities, including charities working outside of Canada. She also assists clients faced with tax audits and/or other regulatory issues, including advice on legal matters relating to Canadian anti-spam law.

Elsbeth Mehrer
Director, External Relations, YWCA Calgary

As a member of the YWCA Executive Team, Elsbeth’s areas of accountability include communications, government and community relations and resource development. As part of an organization which has embraced the critical role of social service agencies to serve and advocate, a core focus of Elsbeth’s work is building relationships with government and agency partners to identify, address and ultimately solve issues that affect vulnerable women in the community.

Prior to joining the YWCA, Elsbeth was the Director of Research, Workforce and Strategy (RWS) at Calgary Economic Development, where she provided the Calgary business community with current and reliable business and workforce development research and policy alternatives. Elsbeth is a graduate, with honours, of SAIT Polytechnic’s Journalism program.

Allan Northcott
Vice President, Max Bell Foundation

Allan has been part of Canada’s charitable sector for more than 25 years, having worked in post-secondary, think tank, and Foundation settings. He has advised on strategy, communications, and program & project design for a range of organizations including the Canadian Breast Cancer Foundation, Imagine Canada, Philanthropic Foundations Canada, and the Canadian Environmental Grantmakers’ Network, where he served as Board Chair from 2009-2012. Allan has been with Max Bell Foundation since 1998. In his role as Vice President, he has overseen the development and execution of over 200 grants aimed at informing public policy. His work also includes directing the Foundation’s Public Policy Training Institute, which has been operating since 2008.

Marcus S. Owens
Partner, Loeb and Loeb LLP (Washington DC)

Marcus Owens represents a broad range of nonprofit organizations, including private foundations, charities, lobbying/political organizations and trade associations. The context has ranged from tax planning, the process of formation and application for exemption, through IRS and state attorney general investigations, including complex audits by IRS Exempt Organizations Financial Investigative Units. Mr. Owens’ focus includes executive compensation, excess benefit and self-dealing excise taxes, as well as the impact of digital and social media on tax exempt organizations. Mr. Owens is also a frequent lecturer, writer and commenter on the complex laws affecting exempt organizations. Prior to entering private practice, Mr. Owens was employed by the Exempt Organizations Division of the Internal Revenue Service and served as the division’s director for ten years.
Hilary Pearson
President & CEO, Philanthropic Foundations Canada

Hilary Pearson is President of Philanthropic Foundations Canada, a national network of family, independent and corporate grantmakers in Canada. Since 2001, she has grown the organization to become a significant voice in Canadian organized philanthropy. Her career has spanned the public, private and not-for-profit sectors. She spent 12 years in the Canadian federal government in the Department of Finance and the Privy Council Office. In 1993, Ms. Pearson moved to Montreal to be Vice-President, Strategic Development, at Royal Bank of Canada and subsequently a senior consultant with the independent management consulting firm Secor, working with both private sector and nonprofit clients. Ms. Pearson holds a BA and an MA in Political Economy from the University of Toronto, and honourary doctorates from Carleton University and from the University of New Brunswick.

Callum Ross
Advocacy and Social Policy Lead, Canadian Mental Health Association – Calgary Region

Callum is currently the Co-Chair of the Mental Health and Addiction Council of Calgary. He has worked in three different countries in the field of community advocacy. He began his education at the University of Aberdeen in Scotland where he studied Sociology and Politics. Callum moved to Canada in 2011 after working as benefits advocate for people with disabilities in London, UK. In another life Callum has been a police constable for the Metropolitan Police patrolling the streets of London.

Lynne Toupin
Principal Consultant, Interlocus Group Inc.

Lynne has over 20 years of experience in executive leadership in the not-for-profit sector. She is currently an Independent Consultant at LT and Associates and an advisory committee member at Mount Royal University Institute for Nonprofit Studies. Prior to becoming an independent consultant, Lynn held positions as executive director for several not-for-profits including the HR Council for the Voluntary and Non-profit Sector in Ottawa, Ontario. Lynne holds an MA from the Universite de Montreal and a BA from the University of Winnipeg.

Bob Wyatt
Executive Director, The Muttart Foundation

Bob Wyatt has been executive director of The Muttart Foundation since 1989. He assumed the position after a career in journalism and public relations. Bob served as sector co-chair of the Joint Regulatory Table as part of the Voluntary Sector Initiative, successfully recommending significant changes to how charities are regulated. In his own volunteer life, Bob served as a member of the Ethical Code Committee of the Canadian Centre for Philanthropy, as parliamentarian for Big Brothers Big Sisters of Canada and a member of the editorial advisory committee for The Philanthropist, Canada’s only scholarly journal on philanthropy. In 2009, he was elected to the Board of Directors of Imagine Canada, and currently serves as chair of the Governance and Human Resources committee. Since 2008, he has served as one of the faculty members of the Max Bell Public Policy Training Institute.
Sophie Amberg is a Manager at the Canada Revenue Agency in Ottawa, Ontario.

Kendall Anderson is Managing Director of Samara Canada in Toronto, Ontario.

Pedro Barata is Vice President, Communications and Public Affairs of United Way Toronto & York Region.

Geoff Braun is Director, Policy and Research at the Calgary Chamber of Voluntary Organizations in Calgary, Alberta.

Peter Broder is General Counsel at the Muttart Foundation in Edmonton, Alberta.

Elsa Campos is the Managing Director of Carya in Calgary, Alberta.

Owen Charters is President and CEO of Boys and Girls Clubs of Canada in Toronto, Ontario.

Michelle Clarke is Executive Director of Burns Memorial Fund in Calgary, Alberta.

Pegi Dover is Executive Director of Canadian Environmental Grantmakers’ Network in Toronto, Ontario.

Sarah Doyle is the Senior Policy Advisor at the MaRS Centre for Impact Investing in Toronto, Ontario.

Danah Duke is the Executive Director of the Miistakis Institute in Calgary, Alberta.

Peter Elson is an Adjunct Assistant Professor at the School of Public Administration at the University of Victoria in Victoria, BC.

Derek Gent is Executive Director of Vancity Community Foundation in Vancouver, BC.

Emma Gilchrist is Executive Director of DeSmog Canada in Victoria, BC.

Mario Gravelle is Learning & Innovation Analyst at The Counselling Foundation of Canada in Toronto, ON.

Tim Gray is Executive Director of Environmental Defence in Toronto, Ontario.

Guy Greenaway is Senior Project Manager at the Miistakis Institute in Calgary, Alberta.

Sabrina Grobler is Associate Director, Strategic Partnerships at the Pembina Institute in Calgary, Alberta.

Taylor Gunn is President of CIVIX, and Chief Election Officer at Student Vote in Toronto, Ontario.

Tessa Hebb is a Distinguished Research Fellow with the Carleton Centre for Community Innovation at Carleton University in Ottawa, Canada.

Walter Hossli is the Founder and Director Emeritus of Momentum in Calgary, Alberta.

Sandy Houston is President and CEO of the Metcalf Foundation in Toronto, Ontario.

Stephen Huddart is President and CEO of the J.W. McConnell Family Foundation in Montreal, QC.

Laird Hunter Q.C. is a partner in the law firm Richards Hunter Toogood in Edmonton, Alberta.

Carolyn Hursh is the Chair of James Richardson & Sons, Limited, and the Chair of the Board at Max Bell Foundation in Calgary, Alberta.

Patrick Johnston is Principal and Founder of BOREALIS Advisors.

Dylan Jones is President and CEO of Canada West Foundation in Calgary, Alberta.

Carl Juneau now retired, was an Executive in the Charities Division at Canada Customs and Revenue Agency in Ottawa, ON and currently a Director of the Pemsel Case Foundation.
Lisa Lalande is the Executive Lead for Mowat NFP in the Mowat Centre in the School of Public Policy and Governance at the University of Toronto in Toronto, Ontario.

Marcel Lauzière is President and CEO of the Lawson Foundation in Toronto, Ontario.

Pat Letizia is Executive Director of Alberta Ecotrust in Calgary, Alberta.

Jeff Loomis is Executive Director of Momentum in Calgary, Alberta.

Bruce MacDonald is President and CEO of Imagine Canada in Ottawa, Ontario.

Laura Manning is Executive Director of Lyle S. Hallman Foundation in Kitchener, Ontario.

Susan Manwaring is a partner at the law firm Miller Thomson in Toronto, Ontario.

Margaret Mason is a partner at the law firm Bull Houser in Vancouver, BC.

Kevin McCort is President and CEO of Vancouver Foundation in Vancouver, BC.

Karen McCullagh is Western Regional Director of Boys and Girls Clubs of Canada in Calgary, Alberta.

Elizabeth McIsaac is President of Maytree in Toronto, Alberta.

Ross McMillan is President and CEO of Tides Canada in Vancouver, BC.

Elsbeth Mehrer is Director, External Relations at YWCA of Calgary in Calgary, Alberta.

Jenna Miller is Managing Director, Family Counseling & Community Services at Carya in Calgary, Alberta.

Bill Morris is National Director of 211 Canada & Public Policy, United Way – Centraide Canada in Ottawa, ON.

Bill Murphy is Senior Tax Policy Officer in the Tax Policy Branch of Finance Canada in Ottawa, ON.

Colette Murphy is Executive Director of The Atkinson Foundation in Toronto, Ontario.

Devon Page is Executive Director of Ecojustice Canada, in Vancouver, BC.

Martha Parker is a community leader and expert in Canada’s non-profits, and is based in Calgary, Alberta.

Josh Paterson is Executive Director of British Columbia Civil Liberties Association in Vancouver, BC.

Hilary Pearson is President and CEO of Philanthropic Foundations Canada in Montreal, Quebec.

Bradley Peter is the Executive Director at the Alberta Lake Management Society in Edmonton, Alberta.

Patti Pon is President and CEO of Calgary Arts Development in Calgary, Alberta.

Nancy Reynolds is the founder, past president and CEO of the Alberta Centre for Child, Family and Community Research in Edmonton, Alberta.

Sidney Ribaux is Executive Director at Equiterre in Montreal, QC.

Robert Roach is Director of Insight at ATB in Calgary, Alberta.

Peter Robinson is Chief Executive Officer of the David Suzuki Foundation in Vancouver, BC.

Bill Schaper is the Director, Public Policy at Imagine Canada in Ottawa, Ontario.

Paula Speevak is President and CEO of Volunteer Canada in Ottawa, Ontario.

Tara Stang is Grants Officer at Muttart Foundation in Edmonton, AB.

James Stauch is Director, Institute for Community Prosperity at Mount Royal University in Calgary, Alberta.

Shelley Uytterhagen is President of the Carthy Foundation in Calgary, Alberta.
Katherine van Kooy is President and CEO of the Calgary Chamber of Voluntary Organizations in Calgary, Alberta.

Jean-Pierre Voyer is President and CEO of the Social Demonstration and Research Corporation in Ottawa, Ontario.

Lana Wells is the Brenda Strafford Chair in the Prevention of Domestic Violence and Associate Professor at the Faculty of Social Work at the University of Calgary in Calgary, Alberta.

Karen Wilkie is Program Director at the Carthy Foundation in Calgary, Alberta.

Jillian Witt is Community Engagement Consultant at The Philanthropist in Toronto, ON.

Leslie Wright is Publication Manager at The Philanthropist in Toronto, ON.

Bob Wyatt is Executive Director of the Muttart Foundation in Edmonton, Alberta.