

**ULCC | CHLC**

**UNIFORM LAW CONFERENCE OF CANADA**

**CHARITIES PROJECT – PROGRESS REPORT:  
“A HOME FOR CHARITIES”**

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***Charities Project – Interim Report:  
“A Home for Charities”***

No one-stop location for Charities

[1] There is no entity in Canada that could be considered as a: “home for charities”. It is widely acknowledged that this would benefit charities and nonprofits as a contributing sector to the wellbeing of Canadians and to the economy of the country.

What is needed

[2] Leaving aside fiscal issues that are dealt with in the *Income Tax Act*, what has been recommended and is needed?

[Special Senate Committee Report on the Charitable Sector:](#)

[3] **RECOMMENDATION 22**

That the Government of Canada, through the Minister of Innovation, Science and Economic Development, create a secretariat on the charitable and non-profit sector to:

- establish and convene regular meetings of an interdepartmental working group, with representation from Finance Canada, the Treasury Board of Canada Secretariat, the Canada Revenue Agency, Employment and Social Development Canada and other departments with direct connections to these organizations;
- convene meetings of appropriate groups of federal/provincial and territorial ministers with responsibility for various aspects of regulating and relating to the charitable and non-profit sectors; and
- publish an annual report on the state of the charitable and non-profit sector. This report should include changes related to the sector by federal, provincial and territorial governments along with a more general overview of the economic and social health of the sector.

[Advisory Committee on the Charitable Sector:](#)

[4] Create a permanent “home in government” for Canada’s charities and nonprofits, outside of the CRA. This home will:

- provide a place within government for comprehensive policy development which will strengthen the relationship to ensure a more productive and effective partnership ; and
- advocate on behalf of this sector when broader government policies and programs are being considered, acting as a connector and communicator with other government departments.

[https://www.imaginecanada.ca/en/policy-priority/home-in-government:](https://www.imaginecanada.ca/en/policy-priority/home-in-government)

[5] The federal government must establish a “home” for the charitable and nonprofit sector within the permanent machinery of government. This “home” should be in the form of a dedicated secretariat that would be tasked with, at minimum:

- Regularly convening an interdepartmental working group,
- Convening federal/provincial/ territorial meetings, and
- Publishing an annual report on the state of the sector.

Why does the sector need a home in government? (source<sup>1</sup>):

[6] There are three key needs:

- First, the sector needs an entity in government that is responsible for periodically evaluating the legislative and regulatory environment for charities and nonprofits.
- Second, a more rigorous memo to cabinet process is needed to support federal legislation, as well as to catch harmful proposals that would inadvertently affect the sector.
- Third, the sector needs a well-defined entity that it can turn to in times of crisis. Since there is no federal department charged with ensuring the health of the nonprofit sector, there is no unified federal response for the sector in times of crisis.

Examples from other jurisdictions ( source<sup>2</sup>):

[7] Examples from other jurisdictions:

- In **Quebec**, the [Ministry of Labour and Social Solidarity](#) has a mandate to foster community action and volunteerism, guided by a Government policy on community action. The policy aims to promote and foster community action; to promote and foster the work of community organizations; to consolidate policies related to community action across the government to ensure consistency; and to recognize and support volunteerism in community organizations.
- The provincial government in **British Columbia** includes a [Parliamentary Secretary for Community Development and Non-Profits](#). The Parliamentary Secretary is tasked with “Working to ensure charitable organizations and the non-profit sector are engaged and supported through the COVID-19 pandemic and recovery and supporting charitable organizations and the non-profit sector by acting as the advocate and key point of contact within government.”
- The [Australian Charities and Not-for-profits Commission](#) (ACNC) is the country’s regulator of charities, but also has a role in promoting the sector. The ACNC was established to maintain, protect and enhance public trust and confidence in the **Australian** not-for-profit sector; support and sustain a robust, vibrant, independent and innovative not-for-profit sector; and promote the reduction of unnecessary

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<sup>1</sup> <https://www.imaginecanada.ca/en/policy-priority/home-in-government>

<sup>2</sup> <https://www.imaginecanada.ca/en/policy-priority/home-in-government>

regulatory obligations on the sector. Australia's Assistant Minister for Treasury and Finance is responsible for the ACNC.

Major Questions to be answered

[8] Major questions to be answered:

1. Federal or Provincial – need agreement?
2. Which Department – not CRA
3. Cost/benefit assessment - e.g., registry?
4. What will the agreed upon role be? Include advocacy?
5. How will it be designed? i.e., Central and permanent machinery in government?

Pilot Project

[9] The following initiatives could be considered for initial issues to be analyzed and assessed by any home that is set up:

- Financial accounting and reporting especially where operating with government grants
- Volunteers' responsibility and liability
- Directors' remuneration

[10] The ULCC Working Group consists of:

Peter Lown, K.C., Chair  
Maya Cachecho, Université de Montréal  
Mark Gillen, University of Victoria  
Kelly Hazlett, Government of British Columbia (until April 30, 2023)  
Scott Hood, Government of Alberta  
Sointula Kirkpatrick, Government of British Columbia  
Darren Thomas, Government of Alberta

Clark Dalton, K.C., ULCC (until February 15, 2023)