

From the Editor

In this issue, we offer two contributions to the continuing debate about the federal government's role in the charity sector. In Part I of a thought-provoking article, Arthur Drache and Laird Hunter propose the implementation of a Canadian Charity Tribunal which would have authority over the registration of charitable entities. They suggest there is no viable option except to establish such a commission-like body to take over the role currently exercised by the federal government through the Canada Customs and Revenue Agency (CCRA). Their discussion includes detailed legislative and structural options and requirements for such a tribunal. Part I of the article begins on page 3; Part II will follow at page 3 in Volume 16, Number 1 of this journal.

In another exploration of this question, Patrick Monahan of Osgoode Hall Law School, York University and Elie Roth of the Toronto firm of Davies, Ward & Beck, provide a comprehensive review and critique of the various proposals for reform at the federal level that have been circulated in recent years. They argue for a rejuvenated status quo.

Donald Bourgeois, who is well known to readers of *The Philanthropist* as the author of several texts that are widely used in the charity sector, provides a summary of the legal regime governing charitable gaming in his article "Charitable Gaming: The Legal Context". We shall have more to say on this increasingly relevant question in future issues.

Lastly, we are pleased to publish the British Columbia Law Institute's "Consultation Paper on Total-Return Investing by Trustees". The paper is a draft and the Law Institute requests that readers forward their reactions to the proposals. In essence the draft suggests that it is time that outdated regulation of trustee investment powers be brought up to date by permitting trustees to consider total return – capital and income – when they make investment decisions.



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