

Canadian Conference of the Arts

Speaking Notes for the Senate Committee on the Accountability Act

October 4, 2006

La Conférence canadienne des arts, la CCA, est la plus ancienne et la plus vaste organisation du secteur culturel. Elle représente le point de vue de toutes les disciplines artistiques. La CCA parle au nom de tous ceux et celles, individus et institutions, avec ou sans but lucratif, qui au pays ont un intérêt dans la culture nationale. Le mandat de la CCA dans la société civile est de parler au nom de l'intérêt commun sur toute politique ou réglementation qui affecte de près ou de loin le secteur des arts et de la culture.

Depuis plus de 60 ans, la CCA a nourri le débat public par l'information et les analyses qu'elle génère et par les forums qu'elle organise en matière des politiques et des programmes du gouvernement fédéral concernant le secteur culturel au sens large du mot.

Pour donner une idée de notre implication actuelle, au cours des 8 derniers jours, j'ai participé à une présentation devant le comité d'experts sur les subventions et contributions de même qu'à une présentation devant le comité permanent des finances dans le cadre de consultations prébudgétaires. J'ai déposé un mémoire au CRTC sur la politique télévisuelle et **aujourd'hui**, j'ai le privilège de partager nos préoccupations votre distingué comité sur un projet de loi de la plus grande importance.

The concerns of the CCA with the Accountability Act are two-fold and pertain to excessive reporting requirements being put on organizations like ours and to the chill effect this piece of legislation may have on open public debate in our democratic society.

The arts and culture sector fully supports the principle of accountability for the use of public funds. Our organizations are governed by boards which assume the fiduciary responsibility for the management of both government funding and earned revenue. Most of our organizations are audited annually and the results of the audit process are publicly available.

However, many of the accountability measures currently in place for the not for profit sector are already disproportionate to the amount of government funding received, a fact acknowledged by the Auditor General herself. Monthly progress reports, breakdowns of time devoted by staff members to specific projects in hours, cash flow projections etc, consume an undue amount of time for both the recipients of federal funding and the public servants who administer the funding programs.

The accountability measures are not sufficiently graduated to reflect the amount of public money provided to recipients or the risk associated with the administration of these funds. The CCA asks that this Committee ensure that new accountability measures reflect better sensitivity to these issues and don't add a further unnecessary burden on already fragile organizations of civil society.

Accountability processes and requirements should not be the same for a \$ 10,000.00 contribution as it is for one of several million dollars.

Our second concern with the Accountability Act centres on the vagueness of some of the provisions requiring reporting of contact between organizations and the public service and other elements within the federal government network.

The CCA, like many other national not-for-profit organizations based in Ottawa, has extensive contact with federal officials and Parliamentarians. In the policy development process, public consultations such as this one, are an essential and ongoing process. The free flow of information, ideas and perspectives is central to the development of policies or programs which are intended to address the public good.

The Lobbyists Registration Act requires employees of the CCA to register as lobbyists as a result of these activities. The disciplines of that Act already require registrants to indicate on which topics and with which government departments or agencies the so-called lobbying will be directed.

The CCA has a difficult time reconciling its activities with government and Parliament as **lobbying** as it no way directly benefits from any success such efforts may achieve. We intervene on broadcasting issues but we are not a broadcaster, we intervene on copyright legislation yet we hold no copyright from which we could derive economic benefit. The addition of another layer of accountability for such actions appears to be redundant and excessive.

It is unclear to us to what degree the provisions in the Act would curtail or complicate these interactions. It would appear that *any* contact between public servants and members of the general public must be reported on by the organization or individual lobbyist in question.

Officials from the Treasury Board could not clarify if such rules would require a casual conversation held at a dinner party or cocktail function to be subject to such reporting requirements. If that is indeed the case, social life in Ottawa will be severely curtailed or go underground!

The Accountability Act was inspired by the ***misappropriation of federal funds***. The intent of the legislation such as we understand it is to preclude the possibility that this situation would recur.

Nothing that we are aware of in the public policy discourse has signaled the need for tighter controls on how Canadians relate to their government, their public servants or Parliamentarians.

To you honourable Senators is entrusted the task of ensuring that the Accountability Act addresses the *real key issues* that necessitated such measures. It falls equally to you to ensure that the zeal for increased accountability does not unwittingly impair the democratic process and the free flow of ideas, opinions, analysis and interchange central to the development of policies and programs that serve the public good.

In a letter the CCA sent to all members of the Senate in June , we asked as a minimum that the regulations associated with this legislation be subject to further open and public hearings with the focus on the impact of the measures in the Act on the interplay between Canadians and their government and Parliament.

Today we renew this call.

If your colleagues in the Senate pass this legislation with no significant revisions, the CCA asks that you attach to it a report supporting the call for an open, public review of the proposed revisions. Simply Advertising them in the Canada Gazette and opening an internet consultation for a few weeks is inadequate when one considers the potential impact of this legislation on the very essence of democratic life in Canada.

Thank you Mr. Chairman and Honorable Committee members for this opportunity to share the concerns of the Canadian Conference of the Arts with you. We will be happy to answer your questions.