



# Foster Care Council of Canada

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Claire Allen  
Inquiries Officer – Lobbying  
Office of the Integrity Commissioner

Date: Monday, October, 31, 2011

## **RE: Advisory Opinion Letter Request and Possible Enforcement - Correspondence #1**

In accordance with section 15.(1) of the *Lobbyist Registration Act, 1998*, S.O. 1998, c.27 SCHEDULE<sup>1</sup> (the Act), I would like to request from the registrar, an advisory opinion with respect to the separate issues of

- a) the application of the Act,
- b) the interpretation of the Act, and
- c) the enforcement of the Act,

in connection with Registered Lobbyists [OL0149-20000411140331] the Ontario Association of Children's Aid Societies (OACAS) lobbying the government of Ontario on behalf of at least 50 of the 53 Children's Aid Societies in Ontario, each of which receive 100% of their funding from the government of Ontario for their legislatively mandated services of protecting and providing services to Ontario's children and families under the *Child and Family Services Act*.

To further clarify, I would specifically like to ask if you could issue advisory opinions regarding;

1. The application of the overall Act to the Lobbyists [OL0149-20000411140331] (OACAS) and its staff.
2. The interpretation of whether the Lobbyists [OL0149-20000411140331] and its staff are consultant or in-house lobbyists (*See supporting background information on the following page*)
3. Whether it would be in the public interest to prosecute Lobbyists [OL0149-20000411140331] (OACAS) for any contraventions of the offence creating provisions of the Act or to just let the contraventions be ignored.
4. Any other advisory opinions in relation to these matters the registrar deems appropriate

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<sup>1</sup>Advisory opinions and interpretation bulletins

**15. (1)** The registrar may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of this Act. 1998, c. 27, Sched., s. 15 (1).

## **Supporting Background Information**

1. [OL0149-20000411140331] the Ontario Association of Children's Aid Societies (OACAS) - is a privately incorporated non-share capital corporation under the *Corporations Act*, R.S.O. 1990, c. C-38
2. The Children's Aid Societies in Ontario are each autonomous, privately incorporated, non-share capital corporations under the *Corporations Act*, R.S.O. 1990, c. C-38
3. The Children's Aid Societies are NOT government agencies. They are private corporations at arms length from the Government of Ontario
4. The Children's Aid Societies, after incorporation, were approved under section 15 of the *Child and Family Services Act* (CFSA) as a “Society” by the Ministry of Children and Youth Services enabling them to provide services to Ontario's children and families under the CFSA.
5. The Ministry of Children and Youth Services, on an annual basis, individually enters into “Annual Service Agreements” with each Children's Aid Society separately to outline the services and responsibilities of each Society in exchange for annual Ministry Allocated Transfer Payments of public funds to pay for 100% of the mandated services each Society is required to provide.
6. At least 50 of the 53 approved Societies pay an annual “Membership Fee” to a separately incorporated organization called the Ontario Association of Children's Aid Societies (OACAS) (aka [OL0149-20000411140331]). The amount of each Society's “Membership Fee” is based on a sliding scale according to the size of the Society. (number of employees)
7. The “Membership Fee” to become a “Member” of the OACAS comes from each Society's annual budget. Each Society's annual budget is received from the Ontario government in the form of Ministry Allocated Transfer Payments from public money.
8. According to the OACAS 2010/2011 Annual Report (located on their website under “Publications” at [www.oacas.org](http://www.oacas.org)) the OACAS received over \$2.7 Million in public funds from their members (CASs in Ontario).
9. The OACAS also received over \$4.7 Million directly from the government of Ontario totaling approximately \$7.4 Million in public funds. (\$2.7 Million of which come from their clients/members, the publicly funded Societies)
10. The OACAS 2010/2011 Annual Report shows that \$3.2 Million is the cost of the OACAS staff salaries.
11. The total cost of OACAS staff salaries is obviously paid for by public funds since all other sources of income aside from public funds (other, program admin, registration fees, publications, interest, and Donations) do not add up to enough money to pay 3.2 Million in OACAS staff salaries meaning the lobbyists are paid by public funds to lobby on behalf of the CASs in Ontario.
12. The OACAS regularly makes submissions to the legislative assembly regarding amendments to legislation, lobbying for legislation, and meeting or corresponding with MPP's, Ministry staff and Ministers for the same purposes at minimum. This includes paying for a room at the Legislative Assembly to hold CAS information days where MPPs are invited to attend and learn about child welfare issues from the OACAS on behalf of Ontario's Societies.

I hope this background information has been of some assistance and look forward to hearing from you in regard to this letter.

Sincerely,

John Dunn

A handwritten signature in black ink, appearing to read 'John Dunn', is placed over a light grey rectangular background.

Volunteer Executive Director  
Foster Care Council of Canada