



Societies top 10 questions

1. Why is there new societies legislation?

The former societies legislation was outdated and did not provide for modern business practices and the use of electronic tools. The financial engagement review requirement process was expensive. Directors' duties and responsibilities were not clear. YG followed an extensive engagement process and considered concerns received from stakeholders to improve the regulatory regime. The new Societies Act and regulations are modeled on the modern BC legislation but tailored to Yukon's needs.

2. Why do we have to transition?

The new Societies Act and regulations have new requirements that must be complied with. The transition process is straight forward. A society must confirm existing information (regarding the name, registered address, purposes, and director information) and amend existing bylaws or adopt new bylaws that comply with the new legislation. Most information can be retrieved from YCOR. Societies must allow some lead time to schedule a special general meeting to adopt bylaws that conform to the new legislation for transitioning.

3. Why do we need to amend our bylaws or adopt new bylaws, especially if we have done so in recent years?

The new Societies Act and regulations have new legal requirements regarding AGMs, special general meetings, voting, director eligibility, etc. Societies are therefore required to update existing bylaws or adopt new bylaws to adhere to the new legislative requirements.

4. Why does YG not make minimum requirement bylaws (without best practices integrated) so that we can make our own informed decisions?

YG has secured legal counsel to draft a new set of minimum legislative requirement bylaws with some options (where the new legislation provides for options). This will soon be made available to societies.

5. Please clarify the financial categorization and when does which rules apply?

Under the former legislation there were Category A, B, and C societies based on thresholds that were set in respect of revenues and assets. Pre-existing societies will continue to report under the former reporting rules under they have fully transitioned.

Likewise, under the new legislation, there are different classes, but this has been simplified. After a society has transitioned, the new classification will be either Class A or B. The thresholds were also set in respect of revenues and assets, but the amounts are different.

In addition, a new type of society was introduced, namely “member-funded” societies. These are essentially societies that do not receive public funding and operations are solely funded by the members.

6. Can directors be remunerated under the new societies’ legislation?

The new legislation provides for remuneration of directors subject to the society’s new bylaws providing for it.

7. Please clarify how exemptions would work before and after transition?

Pre-existing societies:

Category A – societies can apply to the registrar for an exemption form the accountant review requirement, but the registrar cannot exempt a society for more than four consecutive years.

Category B – members of these societies can waive the accountant review requirement but must do so within the 12 months before the AGM.

Category C – these societies must submit a declaration of category C to registrar, but there is no accountant review requirement for this category.

Fully transitioned or new societies incorporated after April 1, 2021:

Class A societies are required to appoint an accountant and can decide which of three financial engagements must be done. Members can waive the requirement up to a maximum of two consecutive years, but the chosen engagement must then be done.

Class B societies are not required to appoint an accountant, but if the members choose to, they can require it and incorporate the requirement into the bylaws.

Member-funded societies are not required to appoint an accountant.

8. Please explain what PFK is, how to request it and why we need it?

The Private Filing Key (PFK) is a security measure when you want to submit online filings on behalf of the society.

YG adopted a protocol that sets out the process by which Corporate Affairs ensures the reliability, authenticity and integrity of electronically signed records received by the branch.

More specifically, the Yukon Corporate Online Registry (YCOR) will validate and preserve digital signatures, which are a specific type of electronic signature generated by a signatory under the PFK System.

If a user with a regular account applies online through YCOR for a PFK, and if approved, it will be issued, and linked to the society. The combination of the following will be collectively deemed to constitute the required signature for those applications:

- a. the activated account.
- b. the verified email address and password of the user.
- c. payment of the applicable fee by credit card.
- d. the unique code consisting of the User ID and Date/Time combined with the preauthorization Order ID, that will be inserted into the required

signature input field in YCOR; and
e. the submission of the information into YCOR by the user.

Every authorized user is expected to keep their PFK confidential. Use of a PFK will always be deemed to have been done by the duly authorized user and that user is responsible for, and liable for, the use of that PFK.

9. Why do we need a credit card to submit filings online?

Currently, the Government of Yukon only enable online credit card payments. Your society could use a "prepaid" credit card bought by the society or the authorized agent doing the filings online or could use their own and get reimbursed by the society.

Personal information is collected under the Yukon Access to Information and Protection of Privacy Act (ATIPP). Section 29(c) by the Government of Yukon Department of Community Services to enable online credit card payments for the Yukon Corporate Online Registry (YCOR) system.

Yukon Government employees do not have access to this personal information, and it is held securely in a Payment Card Industry service.

10. Please explain what a member-funded society is?

These are essentially societies that do not receive public funding and operations are solely funded by the members.