

Societies Transition Plan

Presented at the Whitehorse Curling Club AGM

June 16, 2021

Yukon's new Societies Act came into effect on April 1, 2021. It clarifies how societies are created and managed in Yukon. The Act also:

- allows for more flexibility in how to manage societies; and
- ensures that societies are accountable to their stakeholders

Societies currently registered in Yukon have until March 31, 2023, to transition and conform to the new *Societies Act*.

Specific changes of interest in the Act

- The Constitution contains only the name and purposes of the Society
- Financial statements are not required to be filed with the registry, but must be available for public view at the society's registered office.
- Societies will be required to include in their financial statements remuneration of employee positions including contractors who are paid \$75K annually or more. Personnel's names are not reported.
- Directors
 - may not be under the age of majority.
 - cannot be bankrupt or under guardianship for legal or financial matters.
 - cannot have been convicted of an offence involving fraud or theft.
- Directors' full names and addresses (residential or mailing address) will be viewable by the public.
- Our annual report must be submitted within 30 days of the AGM (previously 4 months).

Model Bylaws

- Model Bylaws are published for Class A or B Societies.
 - Option 1: Adopt the model set of bylaws created by the Department of Community Services, which, if unchanged, complies with the new Societies Act.
 - Option 2: Develop customized bylaws. These must follow the new legislative requirements, as set out in section 12 of the new Societies Act. It is recommended that we seek legal advice when developing our new bylaws.
 - There is no longer a 'fill in the blanks' option for bylaws
- The bylaws must be approved by special resolution prior to being submitted with the transition application.
- Model Bylaws sample content, for interest:
 - Maximum term of office for a Director is eight consecutive years
 - Maximum 12 Directors
 - A quorum for the transaction of business at a General Meeting is the greater of three members or 25% of the members
 - The Directors may not pass a Board resolution without a meeting unless all Directors consent in writing to the resolution

Suggested Transition approach for WCC – Transition on April 1, 2022 (aligns with fiscal year)

1. We will need to be in compliance (filing all the outstanding annual returns under the old act) before we can apply to transition. Therefore, we will submit 2020/21 reports per current process.
2. Prepare our transition application -- suggest we do this in Q4 2021. This includes:
 - Transition Application Form
 - Constitution
 - Current Directors
 - Registered office location
 - New Bylaws
 - Decide how we will approach i.e. (adopt Model Bylaws or make changes to them).
 - Prepare new bylaws
 - The bylaws must be approved by special resolution prior to being submitted with the transition application. Schedule this special meeting of the membership for December.
3. Submit the application no later than January 2022
4. We continue to file under the old legislation (to transition our fiscal year end). When this period is complete, we will be transitioned and will file the fiscal year starting April 1, 2022, under the new legislation.

All information in or attached to the transition application will become part of the Societies public registry.

References

[Learn about the new societies legislation | Government of Yukon](#)

[societies_c.pdf \(yukon.ca\)](#)

[cs-transition-application-for-pre-existing-societies.pdf \(yukon.ca\)](#)

[Microsoft Word - cs-class-a-or-b-society-model-bylaws.docx \(yukon.ca\)](#)