

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



VANCOUVER OFFICE
401 - 312 Main Street
Vancouver, B.C. V6A 2T2
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

Renée Mounteney
Assistant Deputy Minister, Ministry of Finance
617 Government Street
Victoria, BC

August 27, 2021

Thank you for inviting us to review the proposed amendments to the Societies Act. I write on behalf of myself, Allison Eccleston, and Arnold Peters. Please see below for comments:

1. Section 20: (h)

(h) subject to regulations, the societies register of members, organized by different classes of member, if different classes exist, including the following information:

(i) the name of each member;

(ii) the contact information provided by each member;

The UBCIC is concerned that this amendment, to collect, and hold record personal information, including contact information of our members, will put at risk the privacy of members. UBCIC does not support this proposed amendment.

2. Section 126.1 – Custody of society's records by record keeper

The record keeper of a society must take into the record keeper's custody or control all of the records the society is required to keep under section 20 [records to be kept].

AND

Section 152.2 – Duties and powers of record keeper

(1) On the request of a person who was, at the time of the dissolution of the society, entitled to inspect or obtain a copy of a record under sections 25 [inspection of records] to 28 [copies of financial statements], the record keeper of a society must, on the payment of

- any applicable fee and to the extent of the person's entitlement, provide the person with access to or, in accordance with subsection (4) of this section, a copy of the record.*
- (2) The record keeper may charge, for an inspection or a copy of a record, a fee referred to in section 24 (5), 27 (3) or 28 (4), as applicable, as if the record keeper were the society.*
 - (3) The record keeper may impose a reasonable period of notice before which, a reasonable restriction on the times during which, a person may inspect a record.*
 - (4) The record keeper must provide a copy of a record to the person seeking to obtain the copy
 - a) by promptly sending it to the person in the manner, if any, agreed to by the record keeper and the person, or*
 - b) if there is no agreement under paragraph (a), by promptly making the copy available for pick-up at the office at which the records referred to in section 126.1 [custody of society's records by record keeper] are kept.**
 - (5) Section 107 [registrar or court may order access or copies] applies in relation to the records of a society referred to in section 126.1 as if the record keeper were the society.*

Sections 126.1 and 152.1 of the Act Amendments outlines the duties of the appointed record keeper upon dissolution of a society and specifies that the record keeper must retain records for a period of three years, fulfil requests for record viewing and copies of records, and charge and take payment for records requests. It is unclear how much work the appointed record keeper may need to do in the three years post-dissolution of a society and, while there is a requirement for the record keeper to store, access or provide records during this period, there is no provision for remunerating the record keeper.

The UBCIC recommends a provision be added to ensure fair compensation for the record keeper, or to limit the responsibilities of the record keeper such that they are not overburdened by this role without compensation or statutorily obligated to perform work without remuneration.

Sincerely,



Jody Woods
Research Director
Acting Administrative Director
Union of B.C. Indian Chiefs