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CORPORATE AND PRACTICE MANUAL FOR CHARITIES AND NOT-FOR-PROFIT CORPORATIONS

**Burke-Robertson, Carter and Man
Release No. 8, December 2024**

This loose leaf service examines the process of incorporating non-share capital corporations for federal, provincial, and territorial corporations. This publication covers all aspects of corporate maintenance and examines select practice issues relevant to the operation of charitable and not-for-profit corporations, including charities operating outside of Canada, intellectual property, provincial investment power, privacy law, issues when drafting restricted charitable purpose trusts, antiterrorism and money laundering issues for charities, and a discussion on the need for a practice approach to advising charities.

This release includes updates to commentary in Chapter 20 (Anti-Terrorism and Money Laundering Issues for Charities) and Chapter 21 (Issues in Advising Charities: A Proactive Approach). This release also features updates to Appendix SL, Selected Legislation.

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Highlights

- **Operational Issues – Anti-Terrorism and Money Laundering Issues for Charities – Proposed Foreign Agent Registry** – Canadian charitable and not-for-profit organizations should be aware of Bill C-70, *Countering Foreign Interference Act* (Bill C-70”) which itself introduced the *Foreign Influence Transparency and Accountability Act* (the “FITAA”), imposing new and significant obligations on charities and not-for-profits. Currently, Canada does not have a foreign agent registry, such as the American *Foreign Agents Registration Act*, commonly known as FARA, which was introduced in 1938 to limit the influence of authoritarian governments within the American political process. With recent concerns regarding foreign influence and interference on the Canadian political process, the federal government introduced Bill C-70 on May 6, 2024, which subsequently received Royal Assent on June 20, 2024. Bill C-70 enacts several measures to counter foreign interference aimed at all levels of government, the private sector, academia, diaspora communities, and the general public.
- **Operational Issues – Issues in Advising Charities: A Proactive Approach – Legal Risk Management Checklist for Ontario-Based Charities – Identification and Management of Legal Risks** – On October 19, 2021, the ONCA came into force. Ontario charitable corporations have three years from that date (*i.e.*, until October 18, 2024) to amend their corporate documents to transition under the new legislation. After the three-year transition period, corporate provisions which are inconsistent with the ONCA’s requirements (with a few exceptions) will be deemed to be amended to the extent necessary to comply with the ONCA.