

Consumer Protection Division - Introduction of The Consumer Protection and Business Practices Act – Bill 55

November 2012 - This legislation is a consolidation and simplification of the existing Consumer Protection Act, making the legislation more accessible and easier to understand and adds a new Part of the Act, called “Designated Activities and Licensing,” which will permit consolidation of other current consumer protection legislation into this Act.

Currently, consumer protection in Saskatchewan is spread across 12 separate statutes, each with different standards, enforcement mechanisms and results. Of these, seven are licensing Acts or contain licensing provisions. This new legislation will permit, through regulations, these licensing regimes to be brought under the same Act, resulting in consistency of treatment and coordination of administration.

The consolidated Act will allow for individuality of rules governing the businesses, depending on the particular needs of the industry being licensed. It will also allow other business types to be brought under the licensing scheme, by regulation, if the need arises.

The same flexibility will apply to “consumer contracts,” of which five types are currently regulated pursuant to The Consumer Protection Act. These are: internet sales, future performance, personal development services, travel club and remotely formed contracts.

Consultations will be undertaken with affected industry groups, consumer and business groups, the legal profession, and the public before any regulations are passed.

One very important change in this Bill, although small, adds clarification to the section of the Act that prevents “contracting out” of the protections of the Act. This provision has been enhanced to ensure that standard form contracts cannot tie consumers into arbitration clauses or prohibit them from participating in class actions. This will not prevent the consumer from selecting arbitration if that is the appropriate dispute resolution mechanism, but it becomes the consumer’s choice, not the supplier’s. Furthermore, this protection has been applied to the entire Act, and not just to marketplace practices, as was previously the case.

Another small but important feature is the one that permits Saskatchewan courts to have jurisdiction over consumer actions, regardless of the Part of the Act under which the consumer’s rights arise.

Finally, the enforcement and administration provisions have been moved to a Part that applies to the whole Act. Through this legislation, Saskatchewan is doing its part to provide fair and balanced legislation that protects the vulnerable consumer while not imposing an undue burden on Saskatchewan businesses.