

2011

CHAPTER 15

An Act to amend *The Saskatchewan Financial Services Commission Act*

(Assented to May 18, 2011)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Saskatchewan Financial Services Commission Amendment Act, 2011*.

S.S. 2002, c.S-17.2 amended

2 *The Saskatchewan Financial Services Commission Act* is amended in the manner set forth in this Act.

Section 2 amended

3 The following clauses are added after clause 2(a):

“(a.1) ‘**consumer protection legislation**’ means:

- (i) *The Auctioneers Act*;
- (ii) *The Cemeteries Act, 1999*;
- (iii) *The Charitable Fund-raising Businesses Act*;
- (iv) *The Collection Agents Act*;
- (v) *The Consumer and Commercial Affairs Act*;
- (vi) *The Consumer Protection Act*;
- (vii) *The Cost of Credit Disclosure Act, 2002*;
- (viii) *The Credit Reporting Act*;
- (ix) *The Direct Sellers Act*;
- (x) *The Film and Video Classification Act*;
- (xi) *The Funeral and Cremation Services Act*;
- (xii) *The Motor Dealers Act*;
- (xiii) *The Sale of Goods Act*;
- (xiv) *The Ticket Sales Act*;

(xv) any other Act or part of any other Act relating to consumer protection that is designated in the regulations; or

(xvi) any regulations or part of any regulations made pursuant to the Acts mentioned in subclauses (i) to (xv);

“(a.2) ‘**consumer protection regulator**’ means:

- (i) the registrar designated pursuant to *The Auctioneers Act*;
- (ii) the registrar appointed pursuant to *The Cemeteries Act, 1999*;
- (iii) the registrar of charities appointed pursuant to *The Charitable Fund-raising Businesses Act*;
- (iv) the registrar designated pursuant to *The Collection Agents Act*;
- (v) the director appointed pursuant to *The Consumer Protection Act*;
- (vi) the registrar appointed pursuant to *The Credit Reporting Act*;
- (vii) the registrar appointed pursuant to *The Direct Sellers Act*;
- (viii) the Saskatchewan Film Classification Board;
- (ix) the appeal committee appointed pursuant to *The Film and Video Classification Act*;
- (x) the Superintendent of Funeral and Cremation Services;
- (xi) the registrar designated pursuant to *The Motor Dealers Act*; or
- (xii) any other person who or commission or body that:
 - (A) is given responsibilities or powers pursuant to consumer protection legislation; and
 - (B) is designated in the regulations”.

Section 6 amended

4(1) Subsection 6(1) is amended by striking out “and any financial services legislation” and substituting “, any financial services legislation and, if authorized pursuant to Part I.1, any consumer protection legislation”.

(2) Clause 6(2)(a) is amended by striking out “and any financial services legislation” and substituting “, any financial services legislation and, if authorized pursuant to Part I.1, any consumer protection legislation”.

Section 13 amended

5 Subsection 13(1) is amended by striking out “or any financial services legislation” and substituting “, any financial services legislation or any consumer protection legislation”.

Section 14 amended

6 The following clause is added after clause 14(1)(c):

“(d) any matter related to the administration of consumer protection legislation”.

Section 21 amended

7(1) Subsection 21(1) is amended by striking out “or any financial services legislation” and substituting “, any financial services legislation or any consumer protection legislation”.

(2) Subsection 21(2) is amended by striking out “or any financial services legislation” and substituting “, any financial services legislation or any consumer protection legislation”.

Section 23 amended

8 Section 23 is amended by striking out “or any financial services legislation” wherever it appears and in each case substituting “, any financial services legislation or any consumer protection legislation”.

Section 23.1 amended

9 Clause 23.1(2)(a) is repealed and the following substituted:

“(a) all taxes, fees, moneys, fines, costs, penalties, assessments and other charges payable to the government pursuant to the administration of financial services legislation, including all charges respecting:

- (i) orders, decisions and filings;
- (ii) applications for registration, exemption, licences and licence renewals;
- (iii) audits, examinations, inspections and investigations; and
- (iv) proceedings and hearings;

“(a.1) all taxes, fees, moneys, fines, costs, penalties, assessments and other charges payable to the government pursuant to the administration of consumer protection legislation, including all charges respecting:

- (i) orders, decisions and filings;
- (ii) applications for registration, exemptions, licences and licence renewals;
- (iii) audits, examinations, inspections and investigations; and
- (iv) proceedings and hearings”.

New section 23.5

10 Section 23.5 is repealed and the following substituted:

“Uses of fund

23.5 The commission may use moneys in the fund for the following purposes:

- (a) paying the labour, supervisory and administrative costs associated with the following:
 - (i) the performance of any responsibilities and the exercise of any powers of a financial services regulator pursuant to any financial services legislation that are assigned to the commission by the regulations;
 - (ii) the performance of any responsibilities and the exercise of any powers given to the commission by this Act, the regulations and any financial services legislation;

- (iii) the performance of any responsibilities and the exercise of any of the powers of a financial services regulator by the financial services regulator;
- (iv) the doing of any other thing by a financial services regulator that the financial services regulator considers necessary and in the public interest to perform the financial services regulator's responsibilities;
- (b) paying the labour, supervisory and administrative costs associated with the following:
 - (i) the performance of any responsibilities and the exercise of any powers of a consumer protection regulator pursuant to any consumer protection legislation that are assigned to the commission by the regulations;
 - (ii) the performance of any responsibilities and the exercise of any powers given to the commission by any consumer protection legislation;
 - (iii) the performance of any responsibilities and the exercise of any powers pursuant to consumer protection legislation in addition to those mentioned in subclauses (i) and (ii);
 - (iv) the performance of any responsibilities and the exercise of any of the powers of a consumer protection regulator by the consumer protection regulator;
 - (v) the doing of any other thing by a consumer protection regulator that the consumer protection regulator considers necessary and in the public interest to perform the consumer protection regulator's responsibilities;
- (c) paying the expenses of administering the fund;
- (d) any other purpose prescribed in the regulations".

New Part I.1

11 The following Part is added after section 25.1:

**"PART I.1
Consumer Protection**

"Responsibilities of commission respecting consumer protection

25.2(1) The commission is responsible for the following:

- (a) co-ordinating consumer protection regulators;
- (b) providing for the administration, co-ordination, development, promotion, implementation and enforcement of programs and policies related to consumer protection;

(c) providing for the administration, co-ordination, development, promotion, implementation and enforcement of programs and policies related to consumer protection legislation;

(d) performing any responsibilities of a consumer protection regulator pursuant to any consumer protection legislation that are assigned to the commission by the regulations.

(2) If the commission has been assigned any responsibilities of a consumer protection regulator, the consumer protection regulator ceases to be under a duty to perform that responsibility.

“Powers of commission respecting consumer protection

25.3(1) Subject to the regulations, the commission may exercise any of the powers of a consumer protection regulator pursuant to any consumer protection legislation that are assigned to the commission by the regulations.

(2) If the commission has been assigned any powers of a consumer protection regulator:

(a) the consumer protection regulator shall cease exercising that power; and

(b) in the case of any conflict between a decision, order or direction issued by the commission and a decision, order or direction issued by a consumer protection regulator, the decision, order or direction of the commission prevails.

(3) The commission may exercise any powers pursuant to consumer protection legislation.

“Responsibilities and powers of executive director and other employees respecting consumer protection

25.4(1) The executive director shall perform the responsibilities and may exercise the powers that:

(a) are imposed on or assigned to the commission by consumer protection legislation; and

(b) are:

(i) delegated to the executive director by the commission; or

(ii) assigned to the executive director by the regulations.

(2) The executive director may delegate to any director or deputy director any responsibility that is imposed on or assigned to the executive director pursuant to subsection (1).

“Regulations for Part

25.5 The Lieutenant Governor in Council may make regulations:

(a) designating Acts, parts of Acts, regulations or parts of regulations as consumer protection legislation;

(b) assigning responsibilities and powers of a consumer protection regulator pursuant to consumer protection legislation to the commission;

- (c) authorizing the commission to delegate to a consumer protection regulator any responsibilities of the commission pursuant to consumer protection legislation, subject to any terms and conditions prescribed in the regulations;
- (d) authorizing the commission to delegate to a consumer protection regulator any powers of the commission pursuant to consumer protection legislation, subject to any terms and conditions prescribed in the regulations;
- (e) respecting the responsibilities and powers pursuant to consumer protection legislation that the commission may exercise;
- (f) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations made pursuant to this Part”.

Coming into force

12 This Act comes into force on proclamation.

