

# BILL

No. 152

An Act to amend *The Protection From Human Trafficking Act* and to make consequential and related amendments to other Acts

(Assented to \_\_\_\_\_)

HIS 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 Protection From Human Trafficking (Coerced Debts) Amendment Act, 2023*.

**SS 2021, c 23 amended**

**2** *The Protection From Human Trafficking Act* is amended in the manner set forth in this Act.

**Section 2 amended**

**3 Subsection 2(1) is amended by adding the following definition in alphabetical order:**

“**coerced debt**” means, subject to the regulations, any debt that is incurred as a result of the debtor being a victim”.

**Section 18 amended**

**4(1) The following clause is added after clause 18(1)(b):**

“(b.1) make an order in favour of the plaintiff with respect to the recovery of money or property obtained as a result of coerced debt”.

**(2) Subsection 18(2) is amended by adding “or (b.1)” after “clause (1)(b)”.**

**New Part 3.1**

**5 The following Part is added after section 19:**

“PART 3.1  
**Coerced Debts**”

**“Definition for Part**

**19.1** In this Part, ‘**credit reporting agency**’ means a credit reporting agency as defined in *The Credit Reporting Act*.

**“Debt not to be considered by creditor or others**

**19.2** No person or entity who is determining whether to provide a debtor who has been a victim with credit services or products shall take the existence of a coerced debt into consideration when making that determination.

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**“Application for certificate**

**19.3(1)** A victim may have a coerced debt removed from the victim’s credit report in accordance with subsection (2).

(2) A victim, for the purposes of having a coerced debt removed from the victim’s credit report, shall provide the credit reporting agency with a certificate in accordance with section 12.3 of *The Victims of Interpersonal Violence Act*”.

**Section 20 amended**

**6 Section 20 is amended:**

**(a) by adding the following clause after clause (a):**

“(a.1) for the purposes of the definition of ‘coerced debt’ in subsection 2(1), prescribing debts that are not coerced debts”; **and**

**(b) by adding the following clause after clause (e):**

“(e.1) prescribing any other forms, procedures, rules, requirements or matters that the Lieutenant Governor in Council considers necessary for the purposes of Part 3.1”.

**SS 2004, c C-43.2, section 18 amended**

**7 *The Credit Reporting Act* is amended by adding the following clause after clause 18(c):**

“(c.1) information respecting any coerced debt within the meaning of section 2 of *The Protection From Human Trafficking Act*”.

**SS 1994, c V-6.02 amended**

**8(1)** *The Victims of Interpersonal Violence Act* is amended in the manner set forth in this section.

**(2) Section 12.2 is amended by striking out “section 12.4” and substituting “sections 12.4 and 12.41”.**

**(3) Section 12.3 is repealed and the following substituted:**

**“Form of certificate**

**12.3** A certificate issued by the authorized person must be in a form approved:

(a) for the purposes of section 16 of *The Residential Tenancies Act, 2006*, by the Director of Residential Tenancies; or

(b) for the purposes of section 19.3 of *The Protection From Human Trafficking Act*, the Director of Victims Services”.

**(4) Section 12.3 is amended:**

**(a) by striking out “or” after clause (a);**

**(b) by adding “or” after clause (b); and**

**(c) by adding the following clause after clause (b):**

“(c) prescribed for the purposes of clause 4-12(2)(b) of *The Life Leases Act*”.

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**(5) The following section is added after section 12.4:**

**“Application for certificate—victims of human trafficking**

**12.41(1)** A victim of human trafficking as defined in *The Protection From Human Trafficking Act* or a person who is acting on behalf of that victim and with that victim’s consent may apply to the authorized person, in the manner and including the information required by the authorized person, for a certificate pursuant to subsection (2).

(2) The authorized person may issue a certificate to a victim of human trafficking for the purposes of section 19.3 of *The Protection From Human Trafficking Act*:

(a) if the authorized person has received from the victim of human trafficking:

(i) a copy of an emergency intervention order, a victim’s assistance order, a restraining order, a peace bond or any other court order that is in place to prevent an individual from contacting or communicating with the victim for the purpose of human trafficking; or

(ii) a statement from a person described in subsection (4) acting in that person’s professional capacity indicating that person’s opinion that the individual for whom the application for a certificate has been made has been a victim of human trafficking; and

(b) if the authorized person is satisfied that a coerced debt within the meaning of section 2 of *The Protection From Human Trafficking Act* was incurred.

(3) The authorized person shall, after receiving an application pursuant to subsection (1):

(a) issue a certificate pursuant to subsection (2); or

(b) advise the victim of human trafficking or the person who applied on behalf of the victim that the certificate will not be issued.

(4) The following persons may provide a statement in accordance with subclause (2)(a)(ii):

(a) a member of the Royal Canadian Mounted Police or a member of a police service as defined in *The Police Act, 1990*;

(b) a person approved by that person’s employer to provide statements pursuant to this section and who is employed:

(i) by an agency or organization to assist persons for whom the agency or organization provides accommodation in an emergency or transitional shelter because of human trafficking; or

(ii) to provide support for persons who have been the subject of human trafficking;

(c) any other person or member of a category of persons prescribed in the regulations”.

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**(6) Section 12.5 is repealed and the following substituted:**

**“Authorized person not compellable**

**12.5(1)** The authorized person and any person who provides a statement in accordance with subclause 12.4(2)(a)(ii) cannot be compelled in a court or in any other proceeding, including a hearing before a hearing officer pursuant to section 70 of *The Residential Tenancies Act, 2006*:

(a) to give evidence about information obtained for the purposes of section 12.4; or

(b) to produce any document or thing obtained for the purposes of this Act or Division 1.1 of Part V of *The Residential Tenancies Act, 2006*.

(2) The authorized person and any person who provides a statement in accordance with clause 12.41(2)(a)(ii) cannot be compelled in a court or in any other proceeding:

(a) to give evidence about information obtained for the purposes of section 12.41; or

(b) to produce any document or thing obtained for the purposes of this Act or *The Protection From Human Trafficking Act*”.

**(7) Subsection 12.5(1) is amended:**

**(a) in the portion preceding clause (a) by adding “or a dispute resolution proceeding pursuant to section 9-7 of *The Life Leases Act* and the regulations made pursuant to that Act” after “*The Residential Tenancies Act, 2006*”; and**

**(b) by repealing clause (b) and substituting the following:**

“(b) to produce any document or thing obtained for the purposes of this Act, Division 1.1 of Part V of *The Residential Tenancies Act, 2006* or Division 4 of Part 4 of *The Life Leases Act*”.

**(8) Clause 15(c) is amended by adding “or 12.41(2)(a)(ii)” after “subclause 12.4(2)(a)(ii)”.**

**(9) Clause 16(f.1) is amended by striking out “clause 12.4(4)(h)” and substituting “clauses 12.4(4)(h) and 12.41(4)(c)”.**

**Coming into force**

**9** This Act comes into force by order of the Lieutenant Governor in Council.



FOURTH SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

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Received and read the

First time

Second time

Third time

And passed

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Honourable Bronwyn Eyre

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