INTRODUCTION
The BCLI’s proposed Contract Fairness Act is draft legislation that is the centrepiece of the Report on Proposals for Unfair Contracts Relief. This report presents the final recommendations of the Unfair Contracts Relief Project Committee, an all-volunteer committee of experts that spent two years studying how the general law of contracts deals with the problem of unfairness.

WHAT WILL THE CONTRACT FAIRNESS ACT DO?
The Contract Fairness Act will:

• clarify ambiguities in the contract-law concepts of unconscionability, duress, and undue influence, and provide a framework for integrating these three concepts;
• provide that the duty of good faith is implied in the performance of all contracts and define what “good faith” means for the purposes of this duty;
• fine-tune the law of contractual misrepresentation, primarily by addressing remedial anomalies in the current law.

WHY SHOULD THE LEGISLATURE ENACT IT?
The Contract Fairness Act will benefit British Columbians by:

• providing a clearer and more accessible statement of the law;
• ensuring that this area of contract law keeps pace with social and economic developments;
• giving the courts enhanced remedial flexibility to tackle unfair contracts.