

The Public Disclosure Regulations

being

Chapter P-36.1 Reg 1 (effective November 15, 1996) as
amended by Saskatchewan Regulations 62/2001.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

CHAPTER P-36.1 REG 1

The Public Disclosure Act

Title

- 1 These regulations may be cited as *The Public Disclosure Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Public Disclosure Act*;
- (b) “**applicant**” means the police service making an application to the committee either:
 - (i) on its own behalf; or
 - (ii) on its own behalf and on behalf of other police services named in the application;
- (c) “**notice**” means a notice of application or a notice directed to be provided to other persons;
- (d) “**notice of application**” means a notice of application required to be provided pursuant to subsection 5(1) of the Act;
- (e) “**notice directed to be provided to other persons**” means a notice directed to be provided to other persons pursuant to subsection 5(2) of the Act;
- (f) “**representative**” means a representative who is prescribed pursuant to section 4.

29 Nov 96 cP-36.1 s2.

Prescribed offences

- 3 The following are prescribed as offences for the purposes of clause 4(1)(a) of the Act:
- (a) an offence mentioned in section 212 or 486 of the *Criminal Code*;
 - (b) a serious personal injury offence within the meaning of section 752 of the *Criminal Code*;
 - (c) an offence contrary to section 5 of the *Controlled Drugs and Substances Act* (Canada).

24 Aug 2001 SR 62/2001 s2.

Prescribed representatives

4 The following are prescribed as representatives for the purposes of making an application on behalf of a police service:

- (a) in the case of a police service as defined in *The Police Act, 1990*, the chief of police or any member designated by the chief to act in his or her place;
- (b) in the case of the Royal Canadian Mounted Police, the officer in charge of criminal operations "F" Division or any other officer who is designated by the officer in charge to act in his or her place.

29 Nov 96 cP-36.1 s4.

Schedule for consideration of applications

5(1) The committee shall prepare a schedule for consideration of applications.

(2) The schedule is to include at least one day for consideration of applications for each month.

(3) The committee shall provide a copy of the schedule to each police service that requests a copy.

29 Nov 96 cP-36.1 s5.

Applications

6(1) If an application is made on behalf of more than one police service, those police services shall designate one police service as the applicant.

(2) The representative of the applicant shall file an application with the chairperson of the committee:

- (a) at least 14 days before the day the committee begins consideration of the application; or
- (b) within any lesser time the committee considers appropriate.

(3) An application must be in Form A of the Appendix and must contain the following information respecting the individual who is the subject of the application:

- (a) the individual's criminal history;
- (b) all professional assessments in the possession of the applicant relevant to the level of risk posed by the individual;
- (c) likely destinations for the individual;
- (d) the reasons the representative believes that the individual poses a significant risk of serious harm to others.

29 Nov 96 cP-36.1 s6.

Additional information

7(1) A representative may file additional information respecting an individual who is the subject of an application at any time before the committee provides its advice.

- (2) A representative shall provide additional information to the committee if:
 - (a) the representative is directed to do so by the committee; or
 - (b) the applicant comes into possession of the additional information after it has filed its application and the additional information:
 - (i) affects the reliability, truthfulness or accuracy of information filed earlier; or
 - (ii) is information described in subsection 6(3).
- (3) For the purposes of clause (2)(a), the committee may require a representative to provide as additional information only information that is in the possession of the applicant.
- (4) The committee may adjourn its deliberations at any time to obtain additional information.
- (5) If a representative who is directed to provide additional information fails to provide the additional information, the committee may:
 - (a) adjourn until the additional information is provided; or
 - (b) proceed in the absence of the additional information.

29 Nov 96 cP-36.1 s7.

Notices and service

- 8(1) A notice of application is to be in Form B of the Appendix.
- (2) A notice directed to be provided to other persons is to be in Form C of the Appendix.
- (3) For the purposes of subsection 5(2) of the Act, a direction to provide a notice to other persons may be made by:
 - (a) the committee; or
 - (b) if the committee has not begun considering the application, the chairperson of the committee.
- (4) Subject to subsection (6), any document required by the Act or these regulations to be provided must be served by personal service.
- (5) A notice of application must be served on the individual who is the subject of the application:
 - (a) at least 14 days before the day the committee begins to consider the application; or
 - (b) within any lesser time the committee considers appropriate.
- (6) A notice directed to be provided to other persons may be served personally or by registered mail.
- (7) A notice directed to be provided to other persons must be provided within the time directed by the committee.

(8) If a notice directed to be provided to other persons is served by registered mail, it is deemed to have been served within three days of the date of its mailing unless the person to whom the notice is sent proves that the notice was not delivered through no fault of his or her own.

(9) The representative shall file all proofs of service with the chairperson of the committee prior to the date on which the committee is to begin consideration of the application.

(10) Service of a document may be proved by filing a copy of the notice with the certificate of service completed by the peace officer serving the notice.

29 Nov 96 cP-36.1 s8.

Substitutional service

9(1) Where it is impractical for any reason for an applicant to personally serve a notice, the representative may apply in writing to the committee for an order that authorizes substitutional service of the notice or an order dispensing with service.

(2) An application pursuant to this section is to be supported by evidence setting out why personal service is impractical and:

- (a) proposing a method of service that is likely to bring notice of the application to the individual who is to be served; or
- (b) setting out the grounds on which an order should be made dispensing with service.

(3) The committee may impose any terms that it considers appropriate in an order made pursuant to subsection (1).

(4) Service of the notice in accordance with the terms of the order for substitutional service is deemed to be personal service on the individual who is to be served.

29 Nov 96 cP-36.1 s9.

Representations to the committee

10(1) A person who receives a notice, or an agent or counsel acting on behalf of that person, may make representations to the committee.

(2) The committee may receive a representation from a person mentioned in subsection (1) or from any other person it considers appropriate.

(3) For the purposes of this section, a representation is to be in English or French and:

- (a) in writing;
- (b) on a standard size audio cassette; or
- (c) on a VHS videotape.

(4) A representation must be received at least three days prior to the date the committee begins consideration of the application.

(5) The committee shall keep all representations it receives.

29 Nov 96 cP-36.1 s10.

Applications for material

11(1) The individual who is the subject of the application or an agent or counsel acting on behalf of that individual may apply to the committee to obtain copies of materials that relate to the application no later than 10 days prior to the date mentioned in the notice for consideration of the application or within 15 days of receipt of the notice, whichever is sooner.

(2) The committee may refuse to provide materials to a person who applies pursuant to subsection (1) or may provide only parts of the materials if the committee considers that:

(a) the privacy interests of an individual identified in the materials make disclosure or full disclosure contrary to the public interest; or

(b) security interests make disclosure or full disclosure contrary to the public interest.

29 Nov 96 cP-36.1 s11.

Meetings to be in private

12 The committee shall hold all its meetings in private and with the public excluded.

29 Nov 96 cP-36.1 s12.

Advice of the committee

13(1) The committee shall provide its advice in writing to the applicant.

(2) If an application is submitted on behalf of more than one police service, the applicant shall provide a copy of the committee's advice to those police services and may provide a copy to any other police services that the committee recommends.

29 Nov 96 cP-36.1 s13.

Quorum

14 Subject to section 15, a majority of the committee, which must include the chairperson or vice-chairperson of the committee, constitutes a quorum of the committee.

29 Nov 96 cP-36.1 s14.

Expedited consideration

15(1) A representative may apply to the committee for expedited consideration of an application pursuant to this section.

(2) If the chairperson is satisfied that it is necessary because of the seriousness or urgency of the matter to consider the application before the next regularly scheduled meeting of the committee, the chairperson may designate a panel of three committee members for that purpose and those three committee members constitute a quorum for the purposes of that application.

(3) If the chairperson designates a panel, the chairperson may also issue directions to the applicant respecting the time within which the notices are to be provided.

(4) If the panel considers it necessary or appropriate, the panel may refer the application to the full committee for its consideration.

29 Nov 96 cP-36.1 s15.

Filing and sealing of documents

16(1) A document that is required to be filed with the chairperson of the committee pursuant to these regulations is to be filed by leaving it at the office of the committee.

(2) The chairperson shall seal all documents considered by or filed with the committee respecting an application when the committee has provided its advice.

29 Nov 96 cP-36.1 s16.

Duration of advice

17 For the purposes of subclause 7(3)(a)(iv) of the Act, when providing an applicant with advice, the committee shall advise the applicant of the time during which the applicant may act on its advice before the applicant is required to submit a new application.

29 Nov 96 cP-36.1 s17.

Appendix

FORM A

[Subsection 5(3)]

Application to the Public Disclosure Committee (Saskatchewan)

I, _____, a representative of _____,
(police service)

apply to the Public Disclosure Committee (Saskatchewan), pursuant to *The Public Disclosure Act*, for advice on whether any identifying information about the individual who is the subject of this application should be disclosed or not be disclosed.

1. Subject of this application:

(full name and aliases, if any)

Date of birth: _____
(month/day/year)

Fingerprint Service Number: _____

2. The subject of this application:

(a) has been convicted of the following prescribed offences:

(list only prescribed offences by criminal code section, short description, date of conviction eg: s. 271 sexual assault, convicted January 12, 1993);

(b) will be released from

(name and location of institution or facility)

on _____ ; and

OR

(b) was released from _____
(name and location of institution or facility)

on _____ ; and

(c) has assumed residence in _____ , Saskatchewan;
(village/town/city)

OR

(c) is likely to assume residence in _____ , Saskatchewan.

3. For the following reasons, I believe that _____
poses a significant risk of serious harm to other persons:

(Include a summary of the facts relied on in concluding that this person will be a danger to others. This may include factors in his or her criminal history that point to increased or unusual risk, professional assessments indicating risk, treatment participation and response, institutional actions and behaviours that may indicate the offender will pose a risk on release, victim profile, relevant history of mental disorder, and documented community, victim or justice concerns about the risk posed by this person).

4. The following materials have been filed in support of this application:

(list filed documents by name, for example, summary of circumstances of prior offences, CSC placement report dated January 10, 1994, etc.)

5. This application is made on behalf of the following police services:

DATED at _____, Saskatchewan, this ____ day of _____, ____ .

Representative

Position

FORM B
[Subsection 8(1)]
Notice of Application

To: Name: _____ Date of Birth: _____
Address: _____

From: _____
(name of applicant police service)

IMPORTANT NOTICE

1. The attached application has been submitted to the Public Disclosure Committee (Saskatchewan) pursuant to section 4 of *The Public Disclosure Act*. It requests the committee to advise the police services named in the application if any identifying information about you should be disclosed or not be disclosed.
2. The committee will consider the application on _____
(meeting date)
3. You may request a copy of any materials filed with the application. Your request must be in writing and received by the committee 10 days prior to the meeting date, or within 15 days of receipt of this notice, whichever is sooner. The committee may refuse to provide all or part of the materials to you, if it considers that the privacy interests of a person referred to in the materials make disclosure contrary to the public interest, or security interests make disclosure contrary to the public interest.
4. You, or a person on your behalf, are entitled to make representations to the committee. To be considered by the committee, your representations must be in English or French and in writing, on standard size audio cassette or on VHS video cassette, and must be received by the committee at least three days prior to the date the committee considers the application.
5. Your representations or request for disclosure must be addressed to **The Chairperson of the Public Disclosure Committee:**

(insert address information)

YOU MAY WISH TO CONTACT LEGAL COUNSEL FOR ADVICE AND ASSISTANCE IN RESPONDING TO THIS APPLICATION.

DATED at _____, Saskatchewan, this ____ day of _____, ____ .

Representative

Position

Certificate of Service

I, _____
(name)

certify that on the _____ day of _____, _____,
I personally served _____, to whom the
Notice of Application on the reverse of this certificate was directed, with a copy of the
notice and a copy of the application mentioned in the notice.

DATED at _____, Saskatchewan, this ____ day of _____, ____.

A peace officer in and for the Province of Saskatchewan

OR

I, _____
(name)

certify that on the _____ day of _____, _____,
I served _____, to whom the
Notice of Application on the reverse of this certificate was directed, in accordance with
the committee's order for substitutional service by:

DATED at _____, Saskatchewan, this ____ day of _____, ____.

A peace officer in and for the Province of Saskatchewan

29 Nov 96 cP-36.1.

FORM C
[Section 8(2)]

Notice to Other Persons

To: Name: _____ Date of Birth: _____
(Optional)

Address: _____

From: _____
(name of applicant police service)

IMPORTANT NOTICE

1. The _____
(name of applicant police service)

has submitted an application to the Public Disclosure Committee (Saskatchewan). The application requests the committee to advise whether any identifying information about _____, the individual who is the subject of the application, should be disclosed or not be disclosed.

2. On reviewing the application and for the following reasons, the committee has directed that you receive notice of the application:

3. The committee will consider the application on _____
(meeting date)

4. You, or a person on your behalf, are entitled to make representations to the committee. To be considered by the committee, your representations must be in English or French and in writing, on standard size audio cassette or on VHS video cassette, and must be received by the committee at least three days prior to the date the committee considers the application.

5. Your representations must be addressed to **The Chairperson of the Public Disclosure Committee:**

(insert address information)

DATED at _____, Saskatchewan, this ____ day of _____, ____ .

Representative

Position

Certificate of Service

I, _____
(name)

certify that on the _____ day of _____, _____,

I personally served _____, to whom the Notice to Other Persons on the reverse of this certificate was directed, with a copy of the notice.

DATED at _____, Saskatchewan, this ____ day of _____, ____.

A peace officer in and for the Province of Saskatchewan

OR

I, _____
(name)

certify that on the _____ day of _____, _____,

I served _____, to whom the Notice to Other Persons on the reverse of this certificate was directed, in accordance with the committee's order for substitutional service by:

_____.

DATED at _____, Saskatchewan, this ____ day of _____, ____.

A peace officer in and for the Province of Saskatchewan

