

BILL

No. 141

An Act respecting the Disclosure of Certain Information in accordance with an Interpersonal Violence Disclosure Protocol

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(Assented to)

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 Interpersonal Violence Disclosure Protocol (Clare's Law) Act*.

Definitions

2 In this Act:

“**applicant**” means:

- (a) an individual who considers that there is a risk of interpersonal violence to the individual; or
- (b) a prescribed individual or an individual who is a member of a prescribed class of individuals;

“**disclosure information**” means prescribed information;

“**Interpersonal Violence Disclosure Protocol**” means the Interpersonal Violence Disclosure Protocol, being the protocol through which a local police service may disclose information, including the terms and conditions on which and the manner in which that information may be disclosed, that is prescribed or adopted;

“**local police service**” means a police service or regional police service as defined in *The Police Act, 1990* or the Royal Canadian Mounted Police detachment responsible for providing police services to the area in which the disclosure will be made;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**person at risk**” means a prescribed individual or an individual who is a member of a prescribed class of individuals;

“**prescribed**” means prescribed in the regulations.

Disclosure

3(1) A local police service may provide disclosure information to an applicant or a person mentioned in subsection (2) in accordance with the Interpersonal Violence Disclosure Protocol.

(2) Subject to the Interpersonal Violence Disclosure Protocol, the following persons may assist with or make an application on behalf of an applicant:

- (a) with the consent of the applicant:
 - (i) a person approved by the person's employer to make an application pursuant to this Act and who is employed:
 - (A) by an agency or organization to assist persons for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse; or
 - (B) to provide support for victims of interpersonal violence;
 - (ii) a lawyer;
 - (iii) a member of a local police service;
 - (iv) a member, as defined in *The Social Workers Act*, of the Saskatchewan Association of Social Workers;
 - (v) a member, as defined in *The Psychologists Act, 1997*, of the Saskatchewan College of Psychologists;
 - (vi) a duly qualified medical practitioner;
 - (vii) a practising member, as defined in *The Registered Nurses Act, 1988*, of The Saskatchewan Registered Nurses' Association; or
 - (viii) a practising member, as defined in *The Registered Psychiatric Nurses Act*, of the Registered Psychiatric Nurses Association of Saskatchewan;
- (b) any other person or member of a prescribed class of persons.

(3) A local police service may provide disclosure information to an individual who has been determined to be a person at risk in accordance with the Interpersonal Violence Disclosure Protocol.

(4) Every person who receives disclosure information pursuant to this section shall comply with the terms and conditions of the Interpersonal Violence Disclosure Protocol, including the following terms and conditions:

- (a) terms and conditions for safeguarding disclosure information received by that person;
- (b) terms and conditions prohibiting the subsequent use and disclosure of the disclosure information for purposes not related to the Interpersonal Violence Disclosure Protocol, except:
 - (i) with the consent of the person to whom the disclosure information relates; or
 - (ii) if required or authorized by law.

Other obligations not affected

4 Nothing in this Act prevents a local police service from disclosing information, including disclosure information, that the local police service is otherwise by law permitted or authorized to disclose.

Immunity

5 No action or other proceeding lies or shall be instituted against the minister, the Government of Saskatchewan, a local police service, an agent, employee or member of a local police service, an agent or employee of the Government of Saskatchewan, a board of police commissioners or a member of a board of police commissioners based on any cause of action arising out of, resulting from, relating to or incidental to:

- (a) the enactment of this Act;
- (b) the application in good faith of all or any provision of this Act;
- (c) anything done, caused, permitted or authorized to be done, attempted to be done or omitted to be done in good faith pursuant to or in connection with this Act;
- (d) any disclosure of disclosure information about an individual by a police service if the disclosure is made in good faith and in conformity with this Act.

Confidentiality

6 Subject to this Act and the regulations, no person shall disclose any disclosure information that comes to the knowledge of that person pursuant to this Act, except if authorized in the exercise of the powers, performance of the responsibilities or carrying out of the functions of the person in accordance with this Act.

Non-compellability

7(1) A local police service and members, agents or employees of a local police service are not compellable to:

- (a) give evidence in any proceeding of a judicial nature concerning any information that comes to their knowledge pursuant to this Act; or
 - (b) produce any files, papers, information, reports, correspondence or other documents relating to the Interpersonal Violence Disclosure Protocol.
- (2) Subsection (1) does not apply to an application for judicial review.

Non-application of Act

8 All or any portion of any prescribed provision of this Act does not apply:

- (a) to any prescribed person or any prescribed class of persons; or
- (b) in any prescribed circumstance.

Regulations

9(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) authorizing individuals or classes of individuals who may be applicants;
- (c) prescribing individuals or classes of individuals who are persons at risk;

- (d) prescribing persons or classes of persons who may assist with or make an application on behalf of an applicant;
 - (e) subject to subsection (2), prescribing an Interpersonal Violence Disclosure Protocol;
 - (f) prescribing information or classes of information as disclosure information;
 - (g) exempting any person or any class of persons from all or any portion of any provision of this Act, and prescribing any circumstance in which all or any provision of this Act does not apply;
 - (h) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (i) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) For the purposes of clause (1)(e), the Lieutenant Governor in Council may make regulations:
- (a) adopting, as amended from time to time or otherwise, all or any part of a protocol relating to the collection, use or disclosure of disclosure information;
 - (b) amending for the purposes of this Act all or any part of any protocol adopted pursuant to clause (a).

Coming into force

10 This Act comes into force on proclamation.

THIRD SESSION
Twenty-eighth Legislature
SASKATCHEWAN

B I L L

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Information in accordance with an Interpersonal
Violence Disclosure Protocol

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
