The Public Interest Disclosure Act

being

Chapter P-38.1 of *The Statutes of Saskatchewan, 2011* (effective September 1, 2011), as amended by the *Statutes of Saskatchewan*, 2014, c E-13.1; 2015, c 16; and 2024, c 4.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-38.1

An Act respecting the Protection of Public Servants who make Disclosures

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Public Interest Disclosure Act*.

Interpretation

2(1) In this Act:

(a) **"Commissioner"** means the Public Interest Disclosure Commissioner appointed pursuant to Part V and includes any acting commissioner appointed pursuant to that Part;

(b) **"designated officer"** means, with respect to a government institution:

(i) a senior official of the government institution who is designated as a designated officer for the government institution in accordance with section 5; or

(ii) the permanent head if:

(A) the permanent head of the government institution does not designate a senior official in accordance with section 5; or

(B) the permanent head makes a determination pursuant to section 7;

(c) **"disclosure"** means a disclosure of wrongdoing made in good faith by a public servant in accordance with this Act;

(c.1) **"fiscal year"** means the period commencing on April 1 in one year and ending on March 31 in the next year;

(d) **"government institution"** means, subject to subsection (2):

(i) the office of Executive Council or any department, ministry, secretariat or other similar agency of the executive government of Saskatchewan; or

(ii) any prescribed board, commission, Crown corporation or other body, or any prescribed portion of a board, commission, Crown corporation or other body, whose members or directors are appointed, in whole or in part:

(A) by the Lieutenant Governor in Council;

(B) by a member of the Executive Council; or

(C) in the case of:

(I) a board, commission or other body, by a Crown corporation; or

(II) a Crown corporation, by another Crown corporation;

(e) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(f) **"permanent head"** means:

(i) with respect to a government institution mentioned in subclause (d)(i), the deputy minister, president or other official in charge of the government institution who is directly responsible to a member of the Executive Council; and

(ii) with respect to a government institution mentioned in subclause (d)(ii), the prescribed person;

(g) **"prescribed"** means prescribed in the regulations;

(h) **"public servant"** means an employee of a government institution;

(i) **"public service"** means service with a government institution;

(j) **"reprisal"** means any of the following measures taken against a public servant because the public servant has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation pursuant to this Act or declined to participate in suspected wrongdoing:

(i) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work or reprimand;

(ii) any measure, other than one mentioned in subclause (i) that adversely affects the public servant's employment or working conditions;

(iii) a threat to take any of the measures mentioned in subclauses (i) and (ii);

(k) **"wrongdoing"** means a wrongdoing mentioned in section 3.

(2) For the purposes of clause (1)(d), **"government institution"** does not include:

(a) a corporation the share capital of which is owned in whole or in part by a person other than the Government of Saskatchewan or an agency of it;

(b) the Legislative Assembly Service or offices of members of the Assembly or members of the Executive Council; or

(c) the Court of Appeal, the Court of King's Bench or the Provincial Court of Saskatchewan.

2011, c P-38.1, s 2; 2015, c 16, s 8; 2024, c 4, s 32.

PART II
Wrongdoings

Wrongdoings to which this Act applies

3 This Act applies to the following wrongdoings in or relating to government institutions and the public service:

(a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;

(b) an act or omission that creates:

(i) a substantial and specific danger to the life, health or safety of persons other than a danger that is inherent in the performance of the duties or functions of a public servant; or

(ii) a substantial and specific danger to the environment;

(c) gross mismanagement of public funds or a public asset;

(d) knowingly directing or counselling a person to commit a wrongdoing mentioned in clauses (a) to (c).

2011, c P-38.1, s 3.

Disciplinary action

4 In addition to, and apart from, any penalty provided for by law, a public servant who commits a wrongdoing is subject to appropriate disciplinary action, including termination of employment.

2011, c P-38.1, s 4.

PART III
Disclosure of Wrongdoing

DIVISION 1
Procedures re Disclosures

Designated officer

5(1) Every permanent head of a government institution shall:

(a) designate a senior official of the government institution to be the government institution's designated officer for the purposes of this Act; or

(b) if the permanent head does not designate a senior official pursuant to clause (a), perform the duties and exercise the powers of a designated officer imposed or given by this Act with respect to the government institution for which the permanent head is responsible.

(2) Every designated officer shall receive and deal with disclosures by public servants in the government institution in which the designated officer is employed.

2011, c P-38.1, s 5.

Procedures to manage disclosures

6(1) Every permanent head of a government institution shall establish procedures to manage disclosures by public servants of the government institution for which the permanent head is responsible.

(2) Subject to the regulations, the procedures mentioned in subsection (1) must include the following:

(a) procedures for receiving and reviewing disclosures, including setting periods for making recommendations to the government institution and the permanent head respecting any corrective measures that should be taken;

(b) procedures for referring the matter to another government institution, if the matter would more appropriately be dealt with there;

(c) procedures for reviewing and investigating disclosures in accordance with the principles of procedural fairness and natural justice;

(d) procedures for respecting the confidentiality of information collected in relation to disclosures and investigations, unless there is an imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment;

(e) subject to any other Act and to the principles of procedural fairness and natural justice, procedures for protecting the identity of persons involved in the disclosure process, including the person making the disclosure, witnesses and persons alleged to have committed the wrongdoings;

(f) procedures for reporting the outcome of investigations;

(g) procedures for enforcement and follow-up of any disciplinary action or corrective action taken or directed pursuant to this Act;

(h) any additional prescribed procedures.

2011, c P-38.1, s 6.

Exception

7(1) Sections 5 and 6 do not apply to a government institution if the permanent head determines that it is not practical to apply those sections to the government institution given the size of the government institution for which the permanent head is responsible.

(2) Before making a determination pursuant to subsection (1), the permanent head shall consult with the Commissioner.

2011, c P-38.1, s 7.

Information to be communicated

8 A permanent head shall ensure that information about this Act and, if the disclosure procedures mentioned in section 6 apply to the government institution, the disclosure procedures are widely communicated to the public servants of the government institution for which the permanent head is responsible.

2011, c P-38.1, s 8.

DIVISION 2
Making and Dealing with a Disclosure

Seeking advice before making a disclosure

9(1) A public servant who is considering making a disclosure may request advice from:

(a) the designated officer for the government institution where the public servant is employed; or

(b) the Commissioner.

(2) The designated officer or Commissioner may require a request for advice to be in writing.

2011, c P-38.1, s 9.

Disclosure by public servant

10(1) Subject to Division 3, if a public servant reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed or that could show that the public servant has been asked to commit a wrongdoing, the public servant may make a disclosure to:

(a) the designated officer for the government institution where the public servant is employed; or

(b) the Commissioner.

(2) If a disclosure is made to the Commissioner pursuant to this section, the Commissioner shall notify the permanent head of the government institution to which the disclosure relates about the disclosure.

2011, c P-38.1, s 10.

Content of disclosure

11(1) A disclosure pursuant to section 10 must be made in writing and must be in the prescribed form.

(2) Subject to Division 3, the person receiving the disclosure may request the public servant making the disclosure to provide any additional information that the person receiving the disclosure may reasonably require in order to investigate the matters set out in the disclosure.

2011, c P-38.1, s 11.

DIVISION 3
Information that may be Disclosed

Disclosure may be made notwithstanding other Acts

12 Notwithstanding any other Act but subject to section 13 and to the regulations, a public servant may disclose information pursuant to this Act even if a provision in another Act prohibits or restricts disclosure of the information.

2011, c P-38.1, s 12.

Limits on disclosure

13(1) Nothing in this Act authorizes a public servant to disclose:

(a) information described in subsection 16(1) of *The Freedom of Information and Protection of Privacy Act*, except in circumstances mentioned in subsection 16(2) of that Act; or

(b) information that is protected by solicitor-client privilege.

(2) In making a disclosure, a public servant shall provide no more information than is reasonably necessary to make the disclosure.

2011, c P-38.1, s 13.

Other obligations to report not affected

14 Nothing in this Act relating to the making of disclosures is to be construed as affecting any obligation of a public servant to disclose, report or otherwise give notice of any matter pursuant to any other Act.

2011, c P-38.1, s 14.

PART IV
Investigations by Commissioner

DIVISION 1
Conduct of Investigations

Duty on disclosures

15(1) If a disclosure is made to the Commissioner, the Commissioner shall:

(a) take any steps the Commissioner considers appropriate to help resolve the matter within the government institution to which the disclosure relates;

(b) refer the matter to the government institution to which the disclosure relates; or

(c) subject to section 16, conduct an investigation in accordance with this Part.

(2) If the Commissioner refers a matter to a government institution pursuant to clause (1)(b), the Commissioner may request the government institution to notify the Commissioner, within any period that the Commissioner may specify, of the steps that the government institution has taken or proposes to take to deal with the matter.

2011, c P-38.1, s 15.

When investigation not required

16(1) The Commissioner is not required to conduct an investigation or, if an investigation has been initiated, may cease the investigation if, in the opinion of the Commissioner:

(a) the subject-matter of the disclosure could more appropriately be dealt with according to a procedure provided for pursuant to another Act;

(b) the disclosure is frivolous or vexatious, has not been made in good faith or concerns a trivial matter;

(c) too great a period has elapsed between the date when the subject-matter of the disclosure arose and the date when the disclosure was made so that an investigation would not serve a useful purpose;

(d) the disclosure relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;

(e) the disclosure does not provide adequate information about the wrongdoing as required by section 11;

(f) the disclosure relates to a matter that could more appropriately be dealt with according to the procedures under a collective agreement or employment agreement; or

(g) the circumstances of the case do not warrant investigation.

(2) If the Commissioner decides not to investigate or to cease an investigation, the Commissioner:

(a) shall inform the public servant who made the disclosure and the affected government institution; and

(b) may, if the Commissioner considers it to be appropriate to do so, provide reasons for the decision.

2011, c P-38.1, s 16.

Notice re decision involving investigation

17(1) Before investigating the subject-matter of a disclosure, the Commissioner shall notify the permanent head of the affected government institution of the proposed investigation.

(2) A notice pursuant to subsection (1) must:

(a) be in writing; and

(b) set forth the nature of the disclosure received by the Commissioner and any other prescribed information.

2011, c P-38.1, s 17.

Conduct of investigations

18(1) If the Commissioner considers it appropriate to do so, the Commissioner may conduct an investigation in an informal manner.

(2) The Commissioner shall ensure that the right to procedural fairness and natural justice of all persons involved in an investigation is respected, including persons making disclosures, witnesses and persons alleged to have committed wrongdoings.

(3) Sections 13, 17, 19, 25 and 26 of *The Ombudsman Act, 2012* apply, with any necessary modification, to the conduct of an investigation and to any decision of the Commissioner.

2011, c P-38.1, s 18; 2015, c 16, s 8.

Referral to Provincial Auditor

19(1) If the Commissioner believes that a disclosure made to the Commissioner would be dealt with more appropriately by the Provincial Auditor, the Commissioner may refer the matter to the Provincial Auditor, and the Provincial Auditor may deal with the matter in accordance with *The Provincial Auditor Act*.

(2) If a matter has been referred to the Provincial Auditor pursuant to subsection (1), the public servant who made the disclosure continues to have the protection from reprisals set out in section 36.

2011, c P-38.1, s 19.

Investigation of other wrongdoings

20 If, during an investigation, the Commissioner has reason to believe that another or additional wrongdoing has been committed, the Commissioner may investigate that wrongdoing in accordance with this Part.

2011, c P-38.1, s 20.

Report after investigation

21(1) On completing an investigation, the Commissioner shall prepare a report that sets out:

(a) the Commissioner's opinion and reasons for that opinion; and

(b) any recommendations the Commissioner considers appropriate respecting the disclosure and the wrongdoing.

(2) If the Commissioner makes a recommendation pursuant to subsection (1), the Commissioner may request the government institution to notify the Commissioner, within any period that the Commissioner may specify, of the steps that the government institution has taken or proposes to take to give effect to the recommendations.

(3) The Commissioner shall provide a copy of the report mentioned in subsection (1) to the permanent head and designated officer of the affected government institution.

(4) The Commissioner shall notify the public servant who made the disclosure that a report pursuant to this section has been made and provide the public servant with any information respecting the report that the Commissioner considers appropriate in the circumstances.

2011, c P-38.1, s 21.

If subject-matter involves permanent head

22 If the subject-matter of a disclosure that is being investigated involves the permanent head of a government institution, the Commissioner shall also give a copy of the report mentioned in section 21 to:

(a) the Deputy Minister to the Premier;

(b) if the subject-matter of the disclosure involves the permanent head of a subsidiary Crown corporation as defined in *The Crown Corporations Act, 1993*, the chairperson of the subsidiary Crown corporation's board of directors; or

(c) if the subject-matter of the disclosure involves the Deputy Minister to the Premier, the Premier.

2011, c P-38.1, s 22.

DIVISION 2
Reports by Commissioner

Report by Commissioner

23(1) In accordance with section 13 of *The Executive Government Administration Act*, the Commissioner shall, in each year, submit to the Speaker an annual report that:

(a) describes the progress and activities of the Commissioner in the previous year; and

(b) sets out the following respecting the previous year:

(i) the number of disclosures received and the number acted on and not acted on;

(ii) the number of investigations commenced pursuant to this Act;

(iii) in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and recommendations or corrective actions taken in relation to the wrongdoing or the reasons why no corrective action was taken;

(iv) the number of recommendations the Commissioner has made and whether the government institution to which recommendations were made has acted on the recommendations;

(v) whether, in the opinion of the Commissioner, there are any systemic problems that give rise to wrongdoings;

(vi) any recommendations for improvement that the Commissioner considers appropriate;

(vii) any other matters that the Commissioner considers appropriate.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the Speaker shall lay before the Assembly each report received by the Speaker pursuant to subsection (1).

2011, c P-38.1, s 23; 2014, c E-13.1, s 62.

Special report

24(1) If the Commissioner considers that it is in the public interest to do so, the Commissioner may publish a special report relating to any matter that arises out of a disclosure and that is within the Commissioner's jurisdiction pursuant to this Act, including a report referring to and commenting on any particular matter investigated by the Commissioner.

(2) On making a special report, the Commissioner shall provide a copy of each special report to the Speaker.

(3) In accordance with section 13 of *The Executive Government Administration Act*, the Speaker shall lay before the Assembly each special report received by the Speaker pursuant to subsection (2).

2011, c P-38.1, s 24; 2014, c E-13.1, s 62.

Reports at request of committee or the Lieutenant Governor in Council

25(1) A committee of the Assembly may, at any time, refer to the Commissioner for investigation and report any petition or matter that is before the committee for consideration.

(2) The Commissioner shall:

(a) subject to any special directions of the committee, investigate the petition or matter referred to the Commissioner so far as it is within the Commissioner's jurisdiction pursuant to this Act; and

(b) make any report to the committee that the Commissioner thinks fit.

(3) The Lieutenant Governor in Council may, at any time, refer to the Commissioner for investigation and report any matter that is within the Commissioner's jurisdiction pursuant to this Act.

(4) The Commissioner shall:

(a) subject to any special directions of the Lieutenant Governor in Council, investigate the matter referred to the Commissioner so far as it is within the Commissioner's jurisdiction pursuant to this Act; and

(b) make any report to the Lieutenant Governor in Council that the Commissioner thinks fit.

2011, c P-38.1, s 25.

DIVISION 3
Annual Report re Government Institutions

Annual report re government institutions

26(1) In this section:

(a) **"ministry"** means the ministry over which the minister presides;

(b) **"reporting period"** means the period commencing on April 1 in one year and ending on March 31 of the following year.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the ministry shall prepare and submit to the minister a report on all disclosures that have been made in the previous reporting period to the designated officers of all government institutions.

(3) The report required pursuant to subsection (2) must include the following information with respect to government institutions:

(a) the number of disclosures received and the number acted on and not acted on;

(b) the number of investigations commenced as a result of a disclosure;

(c) in the case of an investigation that results in a finding of wrongdoing:

(i) a description of the wrongdoing; and

(ii) either:

(A) any recommendations made or corrective actions taken in relation to the wrongdoing; or

(B) any reasons why no corrective action was taken in relation to the wrongdoing.

(4) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report received by him or her pursuant to subsection (2).

2011, c P-38.1, s 26; 2014, c E-13.1, s 62.

PART V
Public Interest Disclosure Commissioner

Appointment of Commissioner

27(1) The office of Public Interest Disclosure Commissioner is established.

(2) The Public Interest Disclosure Commissioner is an Officer of the Legislative Assembly.

(3) The Commissioner shall be appointed by order of the Legislative Assembly.

(4) The Legislative Assembly may, by order, appoint the Ombudsman as the Commissioner.

(5) Section 69 of *The Legislative Assembly Act, 2007* applies to the Commissioner.

(6) If the Ombudsman is appointed as the Commissioner:

(a) the Ombudsman is to hold office as Commissioner until the Ombudsman resigns, retires or is removed from office in accordance with *The Ombudsman Act, 2012*;

(b) the office of the Ombudsman is to serve as the office of the Commissioner; and

(c) sections 28 to 34 do not apply to the Ombudsman or the office of the Ombudsman.

2011, c P-38.1, s 27; 2015, c 16, s 8.

Term of office, reappointment and resignation

28(1) Subject to sections 29 and 30, unless he or she resigns, dies or is removed from office, the Commissioner holds office for a term of five years.

(2) The Commissioner may be reappointed for one additional term of five years.

(3) The Commissioner may resign the office at any time by giving written notice to the Speaker.

2015, c 16, s 8.

Removal and suspension

29(1) The Legislative Assembly may, by order, remove the Commissioner from office, or suspend the Commissioner, for cause.

(2) If the Commissioner is suspended pursuant to subsection (1), the Legislative Assembly, by order, shall appoint an acting Commissioner to hold office until:

(a) the suspension is revoked by the Legislative Assembly; or

(b) the Commissioner is removed from office by the Legislative Assembly pursuant to subsection (1) and a person is appointed as Commissioner pursuant to section 27.

2015, c 16, s 8.

Suspension where Legislature not in session

30(1) If the Legislative Assembly is not in session, the Board of Internal Economy may suspend the Commissioner for incapacity to act, neglect of duty, or misconduct that is proved to the satisfaction of the Board of Internal Economy.

(2) No suspension imposed pursuant to subsection (1) continues past the end of the next session of the Legislative Assembly.

(3) If the office of the Commissioner is vacant or the Commissioner is suspended pursuant to subsection (1), the Board of Internal Economy shall appoint an acting Commissioner to hold office until:

(a) a person is appointed as Commissioner pursuant to section 27;

(b) the suspension is revoked by the Legislative Assembly; or

(c) the Commissioner is removed from office by the Legislative Assembly pursuant to subsection 29(1) and a person is appointed as Commissioner pursuant to section 27.

(4) For the purposes of this section, the Legislative Assembly is not in session when it:

(a) is prorogued or dissolved; or

(b) is adjourned for an indefinite period or to a day more than seven days after the date on which the Board of Internal Economy made the order suspending the Commissioner.

2011, c P-38.1, s 30; 2015, c 16, s 8.

Acting Commissioner

31 If the Commissioner has resigned or is ill or otherwise unable to act, the Board of Internal Economy may appoint another person as acting Commissioner until:

(a) the Commissioner is able to act; or

(b) another Commissioner is appointed pursuant to this Act.

2011, c P-38.1, s 31.

Salary

32 The Commissioner is entitled to be paid:

(a) a salary to be fixed by the Board of Internal Economy; and

(b) an allowance for travelling and other expenses incurred in the performance of the duties of the Commissioner at a rate approved by the Board of Internal Economy.

2011, c P-38.1, s 32.

Application of certain Acts

33(1) *The Public Service Act, 1998* does not apply to the Commissioner.

(2) *The Public Employees Pension Plan Act* applies to the Commissioner.

2011, c P-38.1, s 33.

Staff

34(1) The Commissioner may appoint the employees that are required in order to exercise the powers and perform the duties of the Commissioner effectively.

(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the Commissioner.

(3) Members of the staff of the Commissioner are employees of the Legislative Assembly and are not members of the public service of Saskatchewan.

(4) The employee benefits applicable to the public servants of Saskatchewan apply or continue to apply, as the case may be, to the staff of the Commissioner's office.

(5) The Commissioner shall:

(a) administer, manage and control the Commissioner's office and the general business of the office; and

(b) oversee and direct the staff of the Commissioner's office.

2015, c 16, s 8.

Human resources and financial management policies

34.1 The Commissioner shall:

(a) prepare and maintain human resources and financial management policies that apply to his or her staff and operations; and

(b) within the period set by the Board of Internal Economy, table with the Board a copy of the policies mentioned in clause (a).

2015, c 16, s 8.

Expenses limited to appropriation

34.2(1) In this section, **"appropriation"** means:

(a) an appropriation for the expenses of the Commissioner's office made by an *Appropriation Act*;

(b) an appropriation by special warrant; and

(c) any other amount that is permitted or directed to be paid out of the general revenue fund pursuant to this or any other Act for the expenses of the Commissioner's office.

(2) The Commissioner shall not incur expenses for a fiscal year in excess of the appropriation for that fiscal year.

2015, c 16, s 8.

Quarterly financial forecasts

34.3 Within 30 days after the end of each quarter in each fiscal year, the Commissioner shall prepare and present to the Board of Internal Economy financial forecasts respecting the Commissioner's actual and anticipated operations for that fiscal year.

2015, c 16, s 8.

Unprovided for or unforeseen expenses

34.4(1) For the purposes of this section, the Legislative Assembly is not in session if it:

(a) is prorogued; or

(b) is adjourned for an indefinite period or to a day more than seven days after the Lieutenant Governor in Council made the order directing the preparation of the special warrant pursuant to this section.

(2) If the Legislative Assembly is not in session, the Commissioner may report to the Board of Internal Economy that:

(a) a matter has arisen with respect to the administration of this Act respecting an expense required by the CCommissioner's office that was not foreseen or provided for, or was insufficiently provided for; and

(b) the Commissioner is of the opinion that there is no appropriation for the expense or that the appropriation is exhausted or insufficient and that the expense is urgently and immediately required for the public good.

(3) On receipt of a report of the Commissioner pursuant to subsection (2), the Board of Internal Economy:

(a) shall review the report and make any alterations to the funding request in the report that the Board considers appropriate; and

(b) may recommend to the Minister of Finance that a special warrant be issued authorizing the expense in the amount the Board determines to be appropriate.

(4) On receipt of a recommendation of the Board of Internal Economy pursuant to subsection (3), the Minister of Finance shall recommend to the Lieutenant Governor in Council that a special warrant be issued authorizing the expense in the amount recommended by the Board.

(5) On receipt of a recommendation of the Minister of Finance pursuant to subsection (4), the Lieutenant Governor in Council may order a special warrant to be prepared for the signature of the Lieutenant Governor authorizing the expense in the amount recommended by the Board of Internal Economy.

(6) For the purposes of *The Financial Administration Act, 1993* and this Act, a special warrant issued pursuant to this section is deemed to be a special warrant issued pursuant to section 14 of *The Financial Administration Act, 1993*, and that Act applies to a special warrant issued pursuant to this section as if it were issued pursuant to section 14 of that Act.

2015, c 16, s 8.

Non-compellability

35(1) The Commissioner is neither competent nor compellable to:

(a) give evidence in any civil proceeding concerning any information that comes to the knowledge of the Commissioner in the exercise of the powers, performance of the duties or carrying out of the functions of the Commissioner pursuant to this Act; or

(b) produce any files, papers, information, reports, correspondence or other documents relating to the business or activities of the Commissioner.

(2) Subsection (1) applies, with any necessary modification, to the staff of the Commissioner.

2011, c P-38.1, s 35.

PART VI
General Matters

Reprisals prohibited

36(1) No person shall take or direct a reprisal against a public servant or former public servant because the public servant or former public servant has, in good faith:

(a) sought advice about making a disclosure from the designated officer or permanent head of the government institution in which he or she is employed or the Commissioner;

(b) made a disclosure;

(c) co-operated in an investigation pursuant to this Act; or

(d) declined to participate in a wrongdoing.

(2) If a public servant or former public servant alleges that a reprisal has been taken or directed against him or her, the public servant or former public servant may make a written complaint to the Commissioner respecting the matter.

(3) A complaint is to be in the prescribed form.

(4) If a complaint is made to the Commissioner pursuant to this section:

(a) the Commissioner shall deal with the complaint in the same manner as a disclosure made to the Commissioner; and

(b) Division 1 of Part IV applies, with any necessary modification, to the complaint.

2011, c P-38.1, s 36.

Offence – false statement

37 No person, in seeking advice about making a disclosure, in making a disclosure, or during an investigation, shall knowingly make a false or misleading statement, orally or in writing, to:

(a) a designated officer;

(b) a permanent head;

(c) the Commissioner; or

(d) a person acting on behalf of or under the direction of any of the persons mentioned in clauses (a) to (c).

2011, c P-38.1, s 37.

Offence – obstruction

38 No person shall wilfully obstruct a designated officer or permanent head, or the Commissioner, or any person acting on behalf of or under the direction of any of them, in the performance of their duties pursuant to this Act.

2011, c P-38.1, s 38.

Offence – destruction, falsification, concealment

39 No person, knowing that a document or thing is likely to be relevant to an investigation pursuant to this Act, shall:

(a) destroy, mutilate or alter the document or thing;

(b) falsify the document or make a false document;

(c) conceal the document or thing; or

(d) direct, counsel or cause in any manner a person to do anything mentioned in clauses (a) to (c).

2011, c P-38.1, s 39.

Offence and penalty

40 Every person who contravenes any of subsection 36(1) or sections 37 to 39 is guilty of an offence and liable on summary conviction to a fine of not more than $10,000.

2011, c P-38.1, s 40.

Limitation on prosecution

41 No prosecution for a contravention of this Act is to be commenced more than two years after the day on which the alleged contravention was committed.

2011, c P-38.1, s 41.

Immunity

42 No action or proceeding lies or shall be commenced against the Crown, the minister, the Commissioner, the Office of the Commissioner or any other person if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2011, c P-38.1, s 42.

Proceedings of Commissioner not subject to review

43 No proceeding of the Commissioner is invalid for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of the Commissioner shall be challenged, reviewed, quashed or called into question in any court.

2011, c P-38.1, s 43.

Act to provide additional remedies

44 The provisions of this Act are in addition to the provisions of any other Act or rule of law pursuant to which any remedy, right of appeal or objection is provided for any person, or any procedure is provided for inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy, right of appeal, objection or procedure.

2011, c P-38.1, s 44.

Regulations

45 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) for the purposes of subclause 2(1)(d)(ii), prescribing boards, commissions, Crown corporations or other bodies, or portions of them, to be government institutions;

(c) for the purposes of subclause 2(1)(f)(ii), prescribing persons to be heads of government institutions;

(d) for the purposes of subsection 6(2), prescribing procedures respecting managing disclosures by public servants, including prescribing the period within which reviews and investigations of disclosures must be completed and for reporting the outcomes of investigations;

(e) for the purposes of section 11, prescribing a form for disclosures;

(f) for the purposes of section 12, prescribing information that is subject to, governed by or described in all or any part of an Act or a regulation made pursuant to an Act as information that is confidential and respecting which no disclosure may be made;

(g) for the purposes of clause 17(2)(b), prescribing information that the Commissioner must provide to the permanent head of the affected government institution;

(h) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;

(i) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2011, c P-38.1, s 45.

PART VII
Coming into Force

Coming into force

46 This Act comes into force on proclamation.

2011, c P-38.1, s 46.

REGINA, SASKATCHEWAN
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