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Speaker: Honourable Perry Trimper, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Trimper): Order, please!

Admit strangers.

First of all, I'd like to read a statement:

Following the passing of the private Member's resolution of October 24, 2018, correspondence was sent to the Commissioner for Legislative Standards and Rubin Thomlinson requesting they appear before this House of Assembly to answer questions and provide clarity on the process followed by the Commissioner for Legislative Standards in producing investigative reports on harassment complaints.

On October 29, 2018, Rubin Thomlinson responded indicating that the lead investigator on the file was out of the country, and that they would follow up once he was back in the office. Given that Rubin Thomlinson was not available immediately to appear before this House of Assembly, the House moved forward with debate on the Code of Conduct reports to advance them in a timely manner.

As Members are aware, debate on all five reports has concluded and are now disposed of by the House.

On November 9, 2018, last Friday, Rubin Thomlinson advised that it was declining the request to appear before the House, noting three items: (i) the request speaks more to the process followed by the Commissioner for Legislative Standards, who is ultimately accountable for the investigation; (ii) the Commissioner has provided all the necessary information to assist the House in better understanding the process; and (iii) debate on the matter has concluded.

I met with the House Leaders today to advise of this response, it was agreed that the matter is now closed.

In the Speaker's gallery today, a very great honour, I'd like to welcome Constable Tammy Madden, Constable Lindsay Dillion and Constable Heather Ellis. They will all be recognized in a Ministerial Statement this afternoon. They are joined by Royal Newfoundland Constabulary Chief of Police,

Joe Boland, and the Assistant Commissioner for the RCMP in Newfoundland and Labrador, Mr. Ches Parsons.

A great welcome to you all.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: For Members' statements today we will hear from the hon. Members for the Districts of Baie Verte - Green Bay, Lewisporte - Twillingate, Fogo Island - Cape Freels, Mount Pearl North, and Placentia West - Bellevue.

The hon. the Member for Baie Verte - Green Bay.

SOME HON. MEMBERS: Hear, hear!

MR. WARR: Mr. Speaker, I rise today in recognition of November being Diabetes Awareness month and on the eve of World Diabetes Day, I want to highlight a beautiful and courageous three year old, Sophie Roberts, who resides in the community of Triton along with her parents, Jake and Jenna.

Sophie was diagnosed with Type 1 diabetes at the age of 14 months and was wearing an insulin pump before she reached the age of two. She leads a very active life according to her mom and they try not to restrict her too much.

Parenting a child with diabetes can be challenging. Parents Jake and Jenna live with the constant worry, stress and responsibility of raising Sophie and educating her about her medical issues. Children with diabetes can live a long and healthy life.

Parents and caregivers play an important role when children are young. Type 1 diabetes is often referred to as an invisible disease because on the outside people live normal lives but those who are affected, especially young children and parents, will tell you their lives are anything but normal.

Mr. Speaker, I respectfully ask all hon. Members to join me in supporting Sophie Roberts and her

parents, and wishing them the very best that life has to offer.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Lewisporte - Twillingate.

MR. BENNETT: Thank you, Mr. Speaker.

I rise in this hon. House to recognize the Twillingate Volunteer Fire Department who celebrated their 50th Anniversary on October 27.

In 1968, following a devastating fire that destroyed the courthouse and countless important documents, the Twillingate Fire Brigade was transformed into the Twillingate Volunteer Fire Department.

The need for improved equipment was paramount. In their first year, they purchased a new 500-gallon Dodge truck. Two years later, a station wagon, which served dual purposes for the fire chief and acting as a backup ambulance for the hospital.

Since then, with the support of the community and government, they have seen continued progress in areas like equipment and essential training for members.

Over its 50-year history, four chiefs have served the Twillingate Volunteer Fire Department: Chiefs Harry Cooper Jr., Fred Pearce, Dave Earle, and current serving Chief Craig Clarke. They were presented with the Willie Cooper Memorial Award for Dedication.

Mr. Speaker, I ask all Members to join me in thanking past and present members of the Twillingate Volunteer Fire Department on 50 years of dedicated service and wish them safety and success in their next 50 years and beyond.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Fogo Island - Cape Freels.

MR. BRAGG: Thank you, Mr. Speaker.

Two years ago, Rev. Gerald Gillies stood in front of his congregation and issued a challenge. You see, there was nowhere in Gander Bay to honour those who paid the ultimate sacrifice or the veterans from the First and Second World Wars.

On March 30, 2016, the Gander Bay Cenotaph Committee held its first meeting. Chairperson Francis Brinson, Secretary-Treasurer David Peckford, and members: Marvin Hodder, Thomas Peckford and Philip Francis answered the call. A site was selected and the work began.

The support in and around the Gander Bay region was outstanding. The committee and supporters sold tickets on a painting of the Caribou Memorial at Beaumont-Hamel. They accepted in-kind contributions and monetary donations.

On November 11, 100 years after the guns fell silent from the Great War, the cenotaph was unveiled. This Remembrance Day was significant for the Gander Bay region. The ceremony drew well over 200 people. Sixty-four names printed on the memorial were read aloud, followed by family members laying wreaths to honour their loved ones.

Please join me in showing our support to the Reverend and committee of the Gander Bay region for their long-awaited memorial.

Lest we forget, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Mount Pearl North.

MR. LESTER: Mr. Speaker, on Wednesday, November 7, I had the privilege to attend a cap and gown graduation ceremony at O'Donel High School in Mount Pearl. All 216 graduates looked stunning as they donned their cap and gown, putting many proud smiles on the faces of their parents, friends and teachers.

Mr. Speaker, I rise today to recognize and congratulate all of the 2018 class of graduates of O'Donel High. Valedictorian, Nathan Pitts,

delivered an excellent speech as he captured the personalities of the graduating class and reminisced about their time as students.

Seventy-five per cent of the 2018 graduating class graduated with either distinction or honours, and over \$45,000 in academic awards was received by very deserving students. Teachers and parents are to be commended for their outstanding support. Without it, no student would be able to excel; no school or graduating class would be able to experience such success.

I would also like to extend my congratulations to Principal Michelle Clemens as she completes her final year of an outstanding 30-year career as an educator.

I ask all hon. colleagues to join me in applauding the principal, staff and volunteers of O'Donel High for organizing a very beautiful ceremony, and especially in congratulating the graduating class of 2018.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Placentia West - Bellevue.

MR. BROWNE: Mr. Speaker, last month the Burin Peninsula opened its doors to the world by welcoming global delegates as part of the Live at Heart International Music Showcase, the first of its kind in all of Canada.

Live at Heart originated in Europe and was harnessed locally by the not-for-profit Vision 360 Productions under the direction of Mike Brennan, Ben Wiseman, Barry Stacey and Jamie Geir. Together, they provided an opportunity for musicians and artists from our province to meet with industry representatives to develop business skills and identify new markets. Concerts were held at a variety of venues around the peninsula, giving the public an opportunity to hear these musical talents.

Producers from all over the world came to hear our talent. One such producer I met, Mr. Speaker, from Los Angeles, has produced with the likes of Eric Clapton, Celine Dion and Katy Perry. I congratulate all of the artists who have successful deals signed at this showcase, and most importantly I salute Vision 360 for their

tenacity and desire to see this showcase become a success.

Mr. Speaker, I ask all hon. Members to join me in wishing these talented artists the very best of luck as they pursue these opportunities.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before we proceed with Ministerial Statements, I would like to indicate that the representative for the Royal Newfoundland Constabulary today is the Deputy Chief, Mr. Paul Woodruff – a great welcome to you, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Thank you, Mr. Speaker.

Today I rise in this hon. House to recognize three outstanding police officers who were honoured last week at the Atlantic Women in Law Enforcement Conference.

Two Royal Newfoundland Constabulary officers, Constable Tammy Madden, a senior constable in the RNC Major Crime Unit, was named Officer of the Year, and Constable Lindsay Dillon, a senior constable with the RNC Intimate Partner Violence Unit, received the Mentoring and Coaching Award.

Constable Madden was recognized for her excellence in leadership, community service, mentoring and performance. Constable Dillon was honoured for her efforts in the development of programs and policies to support women in law enforcement.

RCMP officer, Constable Heather Ellis, received the Bravery Award for going above and beyond the call of duty. Now stationed at the Glovertown detachment, Constable Ellis was commended for her actions when, in New

Brunswick in 2015, she confronted a suspect armed with a rifle.

Mr. Speaker, these officers epitomize the crucial role of our RNC and RCMP in the role that officers play in ensuring the safety and security of residents in this province – women and men who do outstanding work, both on and off duty.

I ask all hon. Members to me in congratulating these three distinguished officers on this very well-deserved recognition.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: I thank the minister for the advance copy. We join the minister in congratulating the three police officers. In earning the Officer of the Year Award, Senior Constable Tammy Madden, of the Royal Newfoundland Constabulary, Major Crime Unit, has clearly won the respect of her peers throughout the police forces of the Atlantic region.

Constable Lindsay Dillon is to be commended for receiving the Mentoring and Coaching Award for her work with the RNC Intimate Partner Violence Unit.

Constable Heather Ellis, of the RCMP Glovertown detachment, is to be commended for the courage and dedication to duty she demonstrated when she confronted a suspect armed with a rifle while serving in New Brunswick in 2015, for which she won the Bravery Award.

These examples, of these three officers, will encourage more young women to consider pursuing a career in law enforcement.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Third Party.

MS. ROGERS: Thank you, Mr. Speaker.

I thank the minister. I congratulate Constable Tammy Madden for being chosen RNC Officer of the Year Award, Constable Lindsay Dillon on her Mentoring and Coaching Award, and RCMP officer, Heather Ellis, for her Bravery Award. They are exemplary peace officers and outstanding members of their respective services.

These officers are leaders in their workplaces, in their communities and are positive role models for women and girls who wish to follow them into a career in law enforcement. Our police service is transformed when it includes more women and people from diverse communities.

Bravo, officers!

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Education and Early Childhood Development.

MR. HAWKINS: Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House today to recognize International Education Week, from November 12 to 16.

International Education Week is an opportunity to celebrate the benefits of international education and exchange worldwide. With more than 100 countries from around the world celebrating this week, it's an opportunity to recognize awareness and understanding of international education through a variety of activities and events undertaken by government, educational institutions, stakeholder groups and individuals.

International education is expansive, global and cross cultural. It's the exchange of language, culture, ideas and a celebration of these exchanges.

The number of international students in our province has increased significantly in the past 10 years and their contribution to our social, to our cultural and economic success is

immeasurable. When we work together with other countries, we all benefit.

Mr. Speaker, I encourage the participation of all individuals and institutions interested in international education and exchange activities, including schools, colleges and universities and organizations. They can use the Holy Heart High School as an example, which last year saw students representing 62 countries parading with flags from their home countries. This was a great demonstration of the growing diversity in our province.

I ask all hon. Members to join me in celebrating International Education Week. With a world of information to explore, the opportunity for education never ends.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. International Education Week is an excellent opportunity to highlight the great effects of investing in education in our province. Attracting international students is one part of addressing the need of our province to combat our shrinking student population while, at the same time, learning from a diversified culture and the knowledge.

I encourage students to get involved with the various activities and events planned to celebrate this week. It is a great opportunity to share our language, culture, ideas and, in return, learn the same from other jurisdictions. We all should celebrate International Education Week.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's East - Quidi Vidi.

MS. MICHAEL: Thank you very much, Mr. Speaker.

I, too, thank the minister for the advance copy of his statement and welcome to him to his new, permanent position.

In an increasingly global economy, every week is International Education Week. International education has to be more than just the week-long festivities; although these are very important. International education must also mean government providing a curriculum designed to reflect the fact that in the future our young people will have to live and work in a global economy. They will have to be well versed in skills which will be needed in the future, such as in IT.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

The hon. the Minister Responsible for the Status of Women.

SOME HON. MEMBERS: Hear, hear!

MS. HALEY: Thank you, Mr. Speaker.

Mr. Speaker, Newfoundland and Labrador now has a stand-alone Minister Responsible for the Status of Women, and I am honoured to have been appointed to this role.

Through their invaluable insights, expertise, skills, values and talents, women in Newfoundland and Labrador have traditionally been, and continue to be, significant contributors to our communities and to our province, Mr. Speaker.

Our government wants to encourage those contributions, and make sure women are making them from leadership roles. That is why we made strong commitments to the social and economic advancement of women and girls. I look forward to working collaboratively with women's equality-seeking organizations, Indigenous groups and organizations, community partners and stakeholders, as well as

my ministerial colleagues, to ensure our commitments are realized.

Working together, we will build on the important work that has already taken place under my predecessors, the Member for St. John's West and the former Member for Windsor Lake, Mr. Speaker. We have established a Committee on Violence Against Women and Girls, which is co-chaired by the Minister of Justice and Public Safety and the President of the Provincial Advisory Council on the Status of women. We have also established an internal ministers' committee to advance issues related to ending violence and advancing women and girls.

Further, we are in the process of implementing a mental health and addictions plan and *The Premier's Task Force on Improving Educational Outcomes*. Both initiatives work toward addressing the root causes of violence. The Violence Prevention Initiative Action Plan is being implemented, and we continue to work with stakeholders to take responsive actions and effect positive, enduring change.

As I noted, Mr. Speaker, our work to advance women in leadership also continues, and we will soon be releasing new details about our women's leadership initiative as part of *The Way Forward*.

I ask all hon. Members to join me in thanking past Ministers Responsible for the Status of Women for their work, and offer thanks to the individuals and organizations who have provided valuable insights and information to support our efforts.

I look forward to having the support of all Members of this hon. House, Mr. Speaker, as I continue this important work in a dedicated, stand-alone role.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

I thank the minister for an advance copy of her statement. I congratulate the minister on her appointment to Cabinet and I wish her well in her new post.

Mr. Speaker, I look forward to working with the new Minister Responsible for the Status of Women. Her role is crucial in making strides towards equality and eliminating violence against women.

Mr. Speaker, we've only begun to scratch the surface in regard to the amount of work that needs to be done on the Violence Prevention Initiative. Other issues such as pay equity, and numerous women's issues across this province really need attention, and I truly hope that women's issues will now finally get the attention they rightfully deserve.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Third Party.

MS. ROGERS: Thank you, Mr. Speaker.

I thank the minister. I commend government for creating a stand-alone ministry for the Status of Women, and I congratulate the new minister.

In Newfoundland and Labrador we face many crucial issues, including among the highest rates of violence against women and girls, the largest gender wage gaps and no legislated pay equity. Affordable child care is still a major barrier for women in the paid labour force. We need a thorough and comprehensive gender-based analysis applied to our provincial budgets and more.

Women's organizations around the province have lots of experience and expertise, and it is my hope the minister will work closely with them and learn from them to improve the status for all women and girls in the province.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

MR. SPEAKER: The hon. the Leader of the Official Opposition.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: My question is for the hon. Minister of Natural Resources.

Last week, the hon. Premier said his government has been working on a solution for those employees that deserve to get paid for the work they've done.

Mr. Speaker, there are over 129 non-unionized Astaldi workers who are fighting for paycheques.

I ask the Minister of Natural Resources: What has occurred to direct Nalcor to pay these employees?

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

This is a very important question. Again, as I said in this House previously, and I know the Premier has also said, this is a very difficult time for workers of Astaldi. Our efforts are thinking of them, and our efforts are towards ensuring they get the pay that they deserve.

Mr. Speaker, on October 18 – the stop-work order was issued by October 20. Payment was made to all workers up to October 20. Since that time, we do know there have been some additional work that needs to be paid and some additional payments that need to be paid. We've been working to gather that information. Nalcor is really willing and working towards getting the information from the Astaldi payroll to make those payments.

Mr. Speaker, obviously, there are due diligence issues at work here. We have to make sure we are making all efforts, and there are privacy issues.

So we're doing that, Mr. Speaker, and we hope to have this resolved very soon.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: Thank you.

These same employees have reached out to us on the Opposition side. They indicated that all of their payroll information was submitted to Nalcor, but Nalcor rejected it.

I would ask the minister: Will she intervene and ensure these workers will be paid?

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

I'm very happy that the workers of Astaldi have reached out to all avenues, and I know this weekend I was speaking with a number of them as well. As early as this morning, I was speaking with both Nalcor and some of these workers, Mr. Speaker.

Nalcor is working towards getting the information that it requires. There is a due diligence to make sure that they have the right information to make the payroll submissions through ADP, and that is ongoing. We're hoping to have this resolved as soon as possible, but there is a lot of contact between Nalcor and Astaldi's employers and employees, as well as with the payroll company to do just that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: Representatives of these same 129 non-unionized employees have been asking for a meeting with the Premier.

I ask the minister: Have appropriate arrangements been made for that?

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

We did receive an email over the weekend requesting a meeting. I followed up with the person who is requesting the meeting to find some time in the next 24 hours to do just that. In the meantime, we didn't wait for a meeting, Mr. Speaker. We've been on this issue. We've been speaking with Nalcor. Nalcor's been working with Astaldi's payroll company, ADP, to get this done, and I know that Nalcor was speaking with one of the representatives today. I had made arrangements to do that.

So, Mr. Speaker, things are happening, things are working. And we will have a meeting in a very short while, but I didn't want to wait until we had a meeting. We actioned it immediately.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: I thank the minister for that.

According to the minister, the surety paid the benefit funds for September.

Has the surety paid the October benefits?

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

That's an important question, and I thank the Member opposite for it. The surety is, what I'm going to call, the holder of the funds. There is \$400 million that was put in place, of course, with the contract. A surety is the one that would have to ensure that these payments are being made.

July and August, of course – Trades NL put in a lien for July and August. The surety did pay for September, but I'll follow up and see if funds have been received for October and I'll address this House.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: If I understand the minister correctly, she's indicated she's waiting on the surety to pay non-unionized workers, yet Nalcor has paid unionized workers before the surety paid Astaldi's bill.

May I ask the minister why didn't these workers get paid at the same time?

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: No, Mr. Speaker, I'm afraid to advise the House that that is incorrect. As I said earlier, all workers have been paid up to October 20. Those who stayed on for a few days or, in some cases, even longer than a week afterwards, that's what we're working on paying now and some of the back pay. I understand from speaking with some of the workers, they are looking for some of the pay in lieu of vacation, that type of thing.

Nalcor is working with the payroll company, Astaldi's payroll company, to get the information that is required. There are privacy issues here at play as well, Mr. Speaker. We have to ensure that, but I can assure this House the work is being done to do just that.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Are the pension and benefit funds now fully paid for TradesNL?

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

I answered that in the previous question, but I'm happy to answer that again. As I said, TradesNL, in July and August, put a lien on this very issue of the benefits and pensions. In September, the surety stepped in and paid. I'm happy to advise as soon as I get the information for October – I haven't been advised yet if the surety has already paid for October, but I will advise this House, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: My question is for the Minister of TCII: Can the minister guarantee this House that Health Canada will ensure there is no criminal activity by companies doing business or investing in the cannabis industry in this province?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I certainly can assure that that is the case.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: Is it then the minister's position that no due diligence is required whatsoever of the provincial government to ensure there is no criminal activity by investors in this province's cannabis industry?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, the Member opposite has only constantly raised concerns about the business community and the investments that's being made to grow the economy here in Newfoundland and Labrador. What I will say is that Health Canada is responsible for providing production licences. There are appropriate health checks and

balances and security checks and all sorts of protocols that must be followed when it comes to any deal that is done. If they are a landlord to a property that they do not own, then there needs to be documentation provided by the land owner.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: It's been two weeks since the Minister of Finance said he was going to find out the names of the shareholders in the numbered company that owns the land leased to Canopy Growth. Once again, I ask the Minister of Finance, has he determined who owns this company.

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, when it comes to any company that registers in Newfoundland and Labrador, they register through the Registry of Companies and Deeds. The Member opposite, as a lawyer in his professional career, would know this and would know the basics of business law and contract law. He may have, in his career, registered people throughout this whole process.

What happens is that anybody who wants to do business in Newfoundland and Labrador that registers a company, puts that forward, puts that documentation forward. The directors are listed for any company, whether they are numbered or unnumbered, whatever the trading name is. These are people who are doing business right here in Newfoundland and Labrador.

What the Member opposite is doing is casting aspersions on our business community that's doing business in Newfoundland –

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Official Opposition.

MR. CROSBIE: Mr. Speaker, I'm not sure if the minister realizes that the sole director in this numbered company is a lawyer and the identity of the shareholders, or anyone in ownership beyond that is invisible, impenetrable.

Minister, have you or your officials met with representatives of the numbered company that owns the land because, if you did, you might be able to enlighten the Minister of Finance?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, what we are doing here in Newfoundland and Labrador is we are growing an industry right here when it comes to cannabis. What we've done is we've taken an approach where we've had no licensed facilities. Now, we will have two.

I would like to see more facilities here that are going to be creating jobs and growing the economy right here. These are important. The jobs that are being created in Western Newfoundland and Labrador are \$54,000 annual year salary jobs. These are very important; 120 production jobs. These are the types of things that the Member opposite certainly doesn't support.

Since we've started *The Way Forward*, job creation has a combined economic activity of \$49 billion upon completion. That's significant.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

Mr. Speaker, my question is for the Minister of Transportation and Works: What is the current process, Minister, for the disposition of surplus lands in your department?

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. CROCKER: Thank you, Mr. Speaker.

The process is a public, transparent process, Mr. Speaker. Any time we're getting ready to divest of any property such as old buildings or land, we will go out to an RFP process. Unless, in some cases, what you will find is when the land is expropriated in years past, we go back to the original owner and have a conversation. But it is a transparent process.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

I ask the minister: Is this surplus land sold at market value?

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. CROCKER: The answer to the question, Mr. Speaker, is absolutely. Any time we sell anything in this province, whether it's an asset of government, we always make sure that we get the best value for taxpayers. In lots of cases, there are a lot of factors go into that – if it's land that needs to be remediated, if it's a property that needs to be remediated, and so forth. But the reality is we always look to get the most for taxpayers.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

Minister, have you or your officials in the Department of Transportation and Works met with representatives of the numbered company that owns the land that Canopy Growth is leasing?

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. CROCKER: Absolutely not, Mr. Speaker.

Mr. Speaker, my understanding is that was not Crown land, I think that was private land, and that would mean there'd be no reason for people in Transportation and Works to meet with land that's not in the portfolio of Transportation and Works.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

Can you confirm, Minister, that last fall officials in the Department of Transportation and Works were directed to sell a significant parcel of land on Mews Place in St. John's for \$1?

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. CROCKER: Mr. Speaker, I don't know where the Member was doing his research this weekend. I have never seen anything in the department with reference to a parcel of land on Mews Place. It is my understanding that we do own a parcel of land on Mews Place. It's actually a catch basin, primarily, for the Team Gushue Highway.

So, Mr. Speaker, with regard to a piece of land that TW may have in its inventory, I'm not familiar that we would have tried to sell that land. But if he knows somebody that's interested in buying that land for a fair market value, please reach out to the department.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

My advice, the minister needs to go and do some more checking.

Minister, was this proposed, sweet deal related to a company who wanted to get involved in the cannabis industry in this province?

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. CROCKER: Mr. Speaker, unlike the Members opposite who go out and expropriate land on a whim and do things on a whim, we do not do that. We have lots of land in our inventory as a province, and we'll always look for the best value for taxpayers in selling that land.

But I'm not familiar with anything the Member is referring to with regard of a sweetheart deal. If this government or this department enters into a contract or a negotiation with somebody, we enter in on a fair market value.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

I ask the minister will he table a list of all surplus real property that the Department of Transportation and Works has disposed of since December 1, 2015.

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. CROCKER: It's not something I have in my binder, Mr. Speaker, but it's something I have no problem tabling.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

Can the Minister of Health update this House if any improvements have been made in regard to

dysfunctional issues related to the past Health Research Ethics Authority?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

MR. HAGGIE: Thank you very much, Mr. Speaker.

I'm pleased to say that there have been several changes, both in the Health Research Ethics Authority, and the boards. Principally, we have now been able to increase their capacities, such that there is a committee of ethics bodies, who will now be able to look, specifically, at genetics research, rather than having that shared with other tasks.

We have increased the capacity of the staff of the Health Research Ethics Authority, and we have been working collaboratively with a variety of industry players. The atmosphere has completely changed since the earlier part of this year, I'm pleased to say.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

Can the minister reassure the people of this province, and those in the health research industry, that the latest experience in the past that have had an impact in medical research will be improved?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

MR. HAGGIE: Yes, Mr. Speaker, to elaborate further in my previous answer, we have brought in experts in the Lean methodology, to help with the HREA and the HREB process, and I am informed that they have identified multiple steps that can be removed with advantage, and no deleterious effects to the process.

We are hopeful that the timelines that are listed will actually now become totally realistic, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

We, too, and I know people in industry are hopeful that the research gets moved in a timely fashion and in the right mode possible.

Minister, when did you become aware of concerns of the board chair of Labrador Health?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

MR. HAGGIE: Thank you very much, Mr. Speaker.

The issue came to my attention shortly before we made the announcement, through Labrador-Grenfell, that there would be an investigation.

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

Who made the decision to suspend the board chair?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

MR. HAGGIE: Thank you very much, Mr. Speaker.

The board chair was asked to abstain from duties related to his position, as chair, or as a trustee of the board, pending the outcome of an investigation.

This is standard procedure on the Labrador-Grenfell's respectful workplace policy.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

Will the minister provide the details about what process he will be using to investigate the allegations against the chair?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

MR. HAGGIE: Thank you very much, Mr. Speaker.

Labrador-Grenfell's respectful workplace policy is a matter of public record. It's available on their website. If the Member opposite, or his researcher, has some difficulty, I'd be happy to provide them with a copy.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Well, I ask the minister. Will you share who will be involved in this process? Because we know there are times when you get involved in things, or your officials, and there are times when you choose not to. We'd like to know what process will be used here to ensure that this is done fairly and with due diligence.

MR. SPEAKER: The hon. the Minister of Health and Community Services.

MR. HAGGIE: Thank you very much, Mr. Speaker.

The process will be that of Labrador-Grenfell's respectful workplace policy. It is very clearly outlined. It's available on a public website and, as I say, if the Member opposite has some difficulty, I can always provide him with a copy.

What will not happen, Mr. Speaker, is government or my department will not be interfering in the process.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

I direct this to the Minister of Education. Minister, it has come to our attention that there are a number of positions in the department that have been filled without advertising or competition, such as the director and a number of specialists positions, to note a few.

Can the minister verify whether or not this is happening in his department?

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development.

MR. HAWKINS: Thank you, Mr. Speaker.

To my knowledge, I have no knowledge of that, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island.

MR. BRAZIL: Well, Mr. Speaker, can I ask –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BRAZIL: Can I ask the minister if he would go back and check that out? Because we have very serious concerns about information being sent to us. We do ask that you look into that for this House, please.

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development.

MR. HAWKINS: I just wonder if that's a question or a statement. But, Mr. Speaker, I certainly do and will because obviously that's not the way this government works. I'm not too sure how things have gone on before, but I can assure you that we follow the proper practices. If, in fact, that's the case, I will certainly check into that, Mr. Speaker, not a problem – not a problem.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

The 2017-2018 annual report for the Economic Diversification and Growth Enterprises indicates that no applications were evaluated.

Can the minister inform this House why no applications were evaluated?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I thank the Member opposite for the question. When it comes to the EDGE program, we certainly have a program in our province that allows for investment attraction, such as working in partnership with municipalities for land to become available, different forms of taxes and incentives. What I can say is that this was a program that certainly wasn't supported by the previous administration and it's seen ineffective activity over the last little while, unfortunately.

We have seen in the past, when it was first initiated, how you have organizations like Dynamic Air Shelters on the Burin Peninsula doing well and one of our Accelerated Growth companies. We have a whole mix of programs to attract and grow business in our province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

Minister, the EDGE program gives tax incentives, access to Crown land and other supports to businesses who will set up with at least 10 permanent employees, and who will create economy growth.

I ask the minister: Why did you feel the need to set up a new agreement for Canopy Growth and Biome Grow, instead of evaluating them through this already-established tax credit program, which is open and accountable?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

It's because we want taxation and we want returns here to our province in the immediate. It's very, very important to look at the types of deals that we've been doing here in

Newfoundland and Labrador to ensure that we have greatest benefit and economic return.

It was just the Member opposite for St. John's East - Quidi Vidi who basically raised the issue of 500 jobs being created because we extended a loan to a company. That company is creating 500 jobs here in St. John's. We only provided \$250,000 in training. We do not have to provide these types of incentives. When we can attract business to grow the economy here in Newfoundland and Labrador, we are going to do so. We are going to get the best deals for Newfoundlanders and Labradorians, not giveaways like they did.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

Last Tuesday, the Finance Minister said that economic indicators are showing that our economy is improving. Yet, this government's economic diversification program did not evaluate any recipients in 2017-2018. In fact, from the annual reports, it appears that this Liberal government has not chosen any recipients.

I ask this minister: Is this true?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, we're very much open for business, and this is why we created the Innovation and Business Investment Corporation. We've done hundreds of applications when it comes to support all across Newfoundland and Labrador in terms of helping businesses be more productive, more competitive, grow and compete in export, whether it be on the Burin Peninsula, the Bonavista Peninsula, the Northern Peninsula, the Fortune Bay - Cape La Hune area as well. We've made investments in her district, significant investments when it comes to supporting aquaculture and the supply and service, and continuing to support it.

The EDGE program is one tool, one financial mechanism that we have within the Government of Newfoundland and Labrador. Taking a whole-of-government approach, we have a lot of supports to grow business and it's working; \$49 billion in economic activity since *The Way Forward* started, once projects are complete.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

And the EDGE, I certainly can attest, has many benefits and it can be a triple edge at both the federal and municipal levels if they engage as well, but companies are not availing of this program under the Liberal government.

I ask the minister: What are you going to do to ensure that more companies can benefit from this program which again, I would say, is open, accountable and transparent to the people of the province?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, what the Member opposite and the former administration – which they didn't support the EDGE program, by the way. I can't believe she's advocating for free taxation. It's a double edge, because you get federal tax breaks and you get provincial tax breaks.

So that means she's advocating for the province to pay for these companies, not only the provincial portion of their tax but the federal portion as well, rather than being able to do business deals that attract jobs and create economic growth without the EDGE program, is far better than using a program where we have to pay both levels of taxation for up to 15 years.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay South for a final question, please.

MR. PETTEN: Thank you, Mr. Speaker.

Budget 2018 referenced a low carbon economy fund to be cost-shared with the federal government; but, again, there were no details.

Now that your new tax has been announced, can you provide details on the low carbon economy fund?

MR. SPEAKER: The hon. the Minister Responsible for the Office of Climate Change.

SOME HON. MEMBERS: Hear, hear!

MR. LETTO: I thank the hon. Member for the question, and only too proud to get up and answer the work that's been done by the past ministers of Environment on this very important issue.

Mr. Speaker, we've put in place a carbon plan that protects the people of Newfoundland and Labrador. Our other choice was to be imposed upon by the federal government, which would've been much worse. But we took the high road, we were very proactive and we put in place a carbon plan that meets the needs of industry, meets the needs of government and meets the needs of the taxpayers of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Third Party.

MS. ROGERS: Thank you, Mr. Speaker.

Tax breaks to Canopy and to Biome amount to \$95 million in giveaways, funding to enterprises controlled by large multinational corporations – \$95 million, Mr. Speaker.

If we were to tax these firms at the rate they should be taxed at, and which they certainly can afford, we could use that money for so many other things that could help people. Our province is cash strapped.

I ask the Premier: How much more of the people's money is he going to give away to rich multinationals for recreational cannabis?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I wish the Leader of the Third Party actually came out to St. George's for the announcement and heard from the president, Dave Callahan, and the CEO of the company, saying they would have considered coming to Newfoundland and Labrador but they would definitely not be here at the scale, the jobs that would have been created. They would have maybe looked at an 18,000 square foot facility versus a 168,000 square foot facility being invested for the long term, creating those jobs. That value to the economy is going to create \$54,000 a year jobs. We're having \$6.5 million in annual salaries.

This is how you create economic development in a region. You have jobs, you have salaries, you develop a supply chain. We are not putting a dollar into this company. There is no giveaway here. These people are paying their own way.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Third Party.

Order, please!

MS. ROGERS: Mr. Speaker, what a distortion of the facts.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS. ROGERS: Ninety-five million dollars –

MR. SPEAKER: Order, please!

MS. ROGERS: Ninety-five million dollars is a huge number. It could go a long way towards creating jobs. By comparison, Mr. Speaker, government is spending only about \$32 million, or a third of this amount of money, on forestry. Only about \$19 million, or 20 per cent, on fisheries and agriculture, and a measly \$17 million, or 18 per cent, on agrifoods.

I ask the Premier: Why didn't he use this \$95 million to create more jobs in enterprises in agriculture, forestry and fisheries in rural communities?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, a fictitious number from the Leader of the NDP.

SOME HON. MEMBERS: Hear, hear!

MR. MITCHELMORE: We are putting zero dollars into this. So this \$95 million is something that she's creating and putting out there. She knows the difference, she absolutely does.

What would happen, Mr. Speaker, is that we've had no production here. What we're doing is we are having production and we are creating jobs here in Newfoundland and Labrador. That's going to return to the Treasury profits and create more opportunity in rural Newfoundland, and in the City of St. John's, which she represents.

Would she rather have no jobs and just have importation? Because I believe the NDP would rather have the lowest-possible cost and benefit to the economy of Newfoundland and Labrador. That's not what this government is about, Mr. Speaker.

She complained about having 500 jobs that pay more than \$15 an hour –

MR. SPEAKER: Order, please!

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's East - Quidi Vidi.

MS. MICHAEL: Thank you, Mr. Speaker.

It has been well-proven that investments in child care are good for the economy. People are hired, money is spent in local businesses, mothers go back to work and government gets more tax revenue.

I ask the Minister of Education and Early Childhood Development: Why would government not have invested some of the cannabis tax giveaway money – which is \$95

million, Mr. Speaker – in a universal and affordable child care program?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, when it comes to – and no question, investing in childhood and early childhood education is important, it is critical. We've made significant benefits, and so has the minister. But I can't let it go, for her, Signal Hill - Quidi Vidi, talking about how \$95 million in tax breaks. It does not exist.

When it comes to every investment that happens in Newfoundland and Labrador in the cannabis industry, you are going to see more job activity, more economic development and more benefits returned to our Treasury so that we can continue to invest in early childhood education and we can continue to do more for our economy and social programs because it's very important to have a balanced economy. You have to create the jobs and grow the economy and invest in social supports.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's East - Quidi Vidi.

MS. MICHAEL: Thank you very much, Mr. Speaker.

I suggest to the minister that he read his own statements and add up 40 and 55.

SOME HON. MEMBERS: Hear, hear!

MS. MICHAEL: Given that we are hearing about businesses waiting far too long for permits, about documents being mislaid and other problems related to a lack of staff at Service NL, I ask the minister: Will she immediately look into issues that are hurting entrepreneurs?

MR. SPEAKER: The hon. the Minister of Service NL for a quick response, please.

MS. GAMBIN-WALSH: Mr. Speaker, I can assure the Member opposite that we work

diligently in Service NL, and every issue that is brought to our attention is addressed.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The time for Oral Questions has ended.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Tabling of Documents

MR. SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, in accordance with section 113 of the *Access to Information and Protection of Privacy Act, 2015*, I hereby table the 2017-18 annual report on the administration of the *Access to Information and Protection of Privacy Act, 2015*.

MR. SPEAKER: Further tabling of documents?

Notices of Motion.

Notices of Motion

MR. SPEAKER: The hon. the Deputy Speaker, the Member for Baie Verte - Green Bay.

MR. WARR: Mr. Speaker:

WHEREAS 14 mineral commodities are produced or mined in the province including iron, nickel, copper, cobalt and gold; and

WHEREAS the mining industry in 2018 is expected to employ 4,800 people (excluding construction) throughout Newfoundland and Labrador with \$48 million in exploration expenditures and \$3 billion in mineral shipments are forecasted; and

WHEREAS the growth and diversification of the mining industry will provide meaningful contribution to a more diverse workforce by doubling the current number of women employed and by providing meaningful opportunities to rural areas of our province; and

WHEREAS by 2030 the provincial government envisions five new mines, sustainable direct employment of more than 6,200 people in operations, and doubling our annual exploration expenditures to \$100 million; and

WHEREAS to be successful the government will focus on being competitive, with clear and efficient regulatory processes; advancing targeted public geoscience, marketing and education; promoting effective Indigenous and community engagement; and pursuing innovation and emerging technologies;

THEREFORE BE IT RESOLVED that this hon. House supports the Government of Newfoundland and Labrador in its plan for growth in the mining industry of our province.

MR. SPEAKER: Thank you.

The hon. the Government House Leader.

MR. A. PARSONS: Yes, Mr. Speaker, pursuant to Standing Order 63(3), the private Member's resolution just entered by the Member for Baie Verte - Springdale will be the one debated tomorrow.

Further, Mr. Speaker, I give notice that I will move that the Member for the District of Harbour Grace - Port de Grave be appointed Deputy Chair of Committees for the remainder of the 48th General Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Answers to Questions for which Notice has been Given

MR. SPEAKER: The hon. the Deputy Government House Leader.

MS. COADY: Thank you very much, Mr. Speaker.

During Question Period the Member opposite asked, had the surety made payments for the pension and benefits for the month of October.

That payment is not due until mid-month and we'll know at that point.

Thank you.

MR. SPEAKER: Further answers to questions for which notice has been given?

Petitions.

Petitions

MR. SPEAKER: The hon. the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

I petition the hon. House of Assembly as follows:

WHEREAS the Bay d'Espoir Highway, and its branch roads, 360, 361, 362, 363, 364 and 365 have become overgrown with very dangerous roadside alder growth; and

WHEREAS the Coast of Bays region is a very busy area with a high volume of industrial traffic for aquaculture, the fishery and hydroelectricity; and

WHEREAS the region has a transient workforce that requires workers to travel the highway at early morning hours and late at night, often in foggy, dangerous weather conditions with no cell coverage; and

WHEREAS there have been weekly incidents of moose accidents in the region this year, and some with the potential to be very serious; and

WHEREAS all residents are very concerned and worried to drive the highway due to a fear of a moose accident; and

WHEREAS every effort should and must be made to protect the safety of residents and reduce unnecessary road hazards for travellers;

THEREFORE we petition the hon. House of Assembly as follows.

Mr. Speaker, I have here another petition. I brought back almost a suitcase full this time, because this issue is of very grave concern. And

it's not something to laugh at, I say to people across the way. We worry for our lives. We risk our lives every time we get in a car to travel that road because of alder growth, and it is absolutely terrible. You're driving along, you can reach out and touch the alders. The moose is coming at a full pace and he's jumping out right in front of you. If you're a good defensive driver you're able to escape it, but it's only a matter of time before we have a very fatal accident.

We've raised this in the House before. I will continue to raise it until such time as the Liberal government recognizes there is a need for brush clearing in the Coast of Bays. It's an expedient need. There was some work that was supposed to be done in past years, that was cancelled.

The residents of the area are just hoping that the Liberal government recognizes that the Coast of Bays region is as deserving of brush clearing as any other district in the province. It needs to be done expeditiously because our lives are at stake. Our ambulances travel this route; our workers travel this route. We need brush clearing immediately.

Thank you.

MR. SPEAKER: The hon. the Minister of Transportation and Works for a response, please.

MR. CROCKER: Thank you very much, Mr. Speaker.

In listening to the Member opposite, you would believe that trees only grow on a Liberal watch. The reality is, no matter what the government is, whether it's Liberal or PC or NDP, trees are going to grow.

We have an issue in this province with brush clearing, absolutely. We recognize that. We commit \$2 million each year to brush clearing. We work with groups like SOPAC to ensure public awareness, because that's another important part.

The Member opposite talks about brush cutting in her specific district. There was brush cutting. There was an allocation in 2017. Obviously, Mr. Speaker, we have 10,000 kilometres of roads in this province, and for us to get around and get the work done – we try and do it in as big allots

as possible, so we can get the best value for taxpayers' money.

The recommendations come in from our field staff and we go out and do what we can to do the amount of brush clearing that we can, but it's also important that motorists are aware of their surroundings. That's why we work with groups like SOPAC, and we'll continue to do so.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

The hon. the Member for St. John's East - Quidi Vidi.

MS. MICHAEL: Thank you very much, Mr. Speaker.

The reasons for the petition that I am presenting: Our licensed child care system is a patchwork of private for-profit centres, 70 per cent of all centres, non-profit community-based centres and family daycare, plus a small number of education and workplace-based centres. It is nowhere near meeting the child care needs in our province.

Affordable, licensed child care is often in short supply in rural parts of the province. Even in St. John's, there are long wait-lists for quality child care programs. Child care programs have both social and financial benefits for society. Studies show that high-quality child care and early childhood education programs result in better cognitive, language and numeracy skills. They help economically disadvantaged children transition to school on the same level as other children.

For every \$1 spent on early childhood education, the benefits range from \$1.50 to \$2.78. Many studies, including TD Economics, have come up with these numbers. Investing in child care creates jobs; \$1 million invested in child care would create 40 jobs, more than in any other sector.

A gender-based analysis of the provincial budget would have indicated the need for a public child

care program as a key way to close the wage gap between women and men in this province.

THEREFORE we, the undersigned, petition the House of Assembly. We call upon the House of Assembly to urge the Government of Newfoundland and Labrador to take immediate steps to put in place a plan for a gradual transition to a universal regulated and publicly funded and fully accessible child care and after school care program.

I'm very pleased to present this petition, Mr. Speaker. For the last couple of years we've watched this government – they've been in now, actually, for three years – do bandage treatment of our needs with regard to child care. We do not have a full child care program. We have so many children; a majority who cannot get into child care seats.

We have government in the past couple of budgets, as I said, doing bandage treatment. Putting some money into the Operating Grant Program, which they have to do, putting money into the Child Care Services Subsidy Program. Bits and pieces, Mr. Speaker, the program is bits and pieces, and the way in which the government has been treating it is bits and pieces. What we need is a plan for this government to start the process towards a full child care program in this province so that every child who is eligible can get a seat.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Thank you.

The hon. the Minister of Education and Early Childhood Development for a response, please.

MR. HAWKINS: Thank you, Mr. Speaker.

I take some exception to what the hon. Member is talking about opposite when she talks about a band-aid process. I take exception to that.

I recognize there are challenges, and we have been doing a significant amount to improve those challenges, but I can assure the Member opposite, it is not band-aid. As a matter of fact, Mr. Speaker, we're ahead of target for new and projected spaces through the Child Care

Capacity Initiative with 425 new spaces since April 1, 2017.

Mr. Speaker, in 2015, the net family income threshold for families was \$27,000. In our last budget we increased it to \$32,000, and increased it further to \$35,000. It is anticipated that this will provide an additional 100 families with a full subsidy – 100 more families.

So, Mr. Speaker, to get up on the opposite side and talk about band-aid services, I take exception to that, because we're not doing that. We're putting a plan in place. We will increase capacity for child care within this province. We've done a significant amount of work. We will continue to do that as we are mandated to do, Mr. Speaker.

I can assure the Member opposite that we are not doing band-aid service and we're going to have full implementation to the best possible resources we have, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

Further petitions?

The hon. the Member for St. John's Centre.

MS. ROGERS: Thank you very much, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS Newfoundland and Labrador has one of the lowest minimum wages in Canada, and minimum wage workers earn poverty incomes; and

WHEREAS proposals to index the minimum wage to inflation will not address poverty if the wage is too low to start with; and

WHEREAS women and youth, and service sector employees, are particularly hurt by the low minimum wage; and

WHEREAS the minimum wage only rose only 5 per cent between 2010 and 2016, while many food items rose more than 20 per cent; and

WHEREAS other Canadian jurisdictions are implementing or considering a \$15 minimum wage as a step towards a living wage;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to legislate a gradual increase in the minimum wage to \$15 by 2021, with an annual adjustment thereafter to reflect provincial inflation;

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, here we are once again, we see that Common Front had a press conference today where they talked about the need for a \$15 an hour minimum wage, and all the research backs this up. It only makes sense.

What we have here is that we have labour, small businesses, activists who are pushing, pushing, pushing government to do the right thing. And as we see, government is not a leader on this. They're far behind what's happening in other parts of Canada, what's happening out in civil society. Civil society is saying this is necessary; it's good for the economy.

I'm not so sure, Mr. Speaker, when we look at our province at \$11.15 an hour, what the – a full-time minimum wage worker makes \$23,192 a year. That's what they make. It's not much more than the low income cut-off right now in St. John's, which is \$20,952.

Mr. Speaker, you have people working full-time and if they have children and if they have to rent a place, a decent, safe place to live with their children, they're living way below poverty. It's simply not possible. Or if they have to pay over-the-counter drugs or if, for the adult, they have to pay their own dental bills, it's simply not possible to even have the bare necessities in life working for \$11.15 an hour.

Where's the justice in working full-time and living in poverty?

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

The hon. the Minister of Advanced Education, Skills and Labour for a response, please.

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Mr. Speaker, I take great exception to the hon. Member for St. John's Centre. We've done extensive consultations on minimum wage; we've tied it to the national CPI. We're not an outlier with the Atlantic provinces; we sit within the mix. Obviously, we want to be better; that's why we set it up so that we're going to be tying it to the national CPI.

That's what the consultations have done, that's what we've worked for and that's what we're prepared to do as a government right now.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

At a time when the people of Newfoundland and Labrador are dealing with high levels of taxation increases, unemployment rates, increased food bank usage, increased bankruptcies and many are being forced to choose between food, heat and medications, Newfoundland Power and Newfoundland and Labrador Hydro are continuing to seek numerous power rate increases through the Public Utilities Board.

Once the Muskrat Falls Projects comes online, these rates are predicted to further increase significantly to unmanageable levels for the average citizen of our province. While government has indicated they are working with Nalcor to mitigate rates, they've provided no detailed plan as to how they intend to do so.

Therefore, we petition the hon. House of Assembly as follows: To urge the Government of Newfoundland and Labrador to publicly provide all of the potential options for rate mitigation and develop a comprehensive, detailed plan to deal with current and impending power rate increases. This plan is to be provided

to the public as soon as possible to allow for scrutiny, feedback and potential suggestions for improvement.

Mr. Speaker, today I have petitions from the areas here around Campbellton, Norris Arm, Lewisporte, Embree, Michael's Harbour, Brown's Arm, Stanhope and so on. There are a number of different areas in that area.

So, Mr. Speaker, this continues to point out that there are a lot of people that are concerned about the power rates. Again, I'm not going to get into how we got to this point in time, and that's why we have a Muskrat Falls Inquiry, but people are worried. While government has indicated that they are working on solutions – which is great; I'm really glad to hear that. People are just not satisfied to simply hear we're working on it. They want to see what the plan is, going forward, to deal with this problem.

I also would be remiss if I didn't mention the fact, for anyone who may be listening – to all Members of the House – that Newfoundland Power currently has its annual application before the PUB. People have until this Friday, if they want to make a presentation to the PUB, and the following Friday, you can email the PUB with your concerns.

Part of this rate application is for Newfoundland Power to have the ability to go from an 8.5 annual return on investment to 9.5 per cent return on investment. Last year, they made over \$40 million in net profits – \$40 million in net profits and now they want the ability to make even more at a time when we are struggling as a province and people are concerned about power rates. This application is totally unacceptable and I certainly encourage the general public and all Members of this House to reach out to the PUB and encourage their constituents to do likewise, to say no to this increase.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

The hon. the Government House Leader.

MR. A. PARSONS: Orders of the Day, Mr. Speaker.

MR. SPEAKER: Orders of the Day, Sir.

Orders of the Day

MR. SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board for leave to introduce a bill entitled, An Act Respecting The Protection And Promotion Of Public Health, Bill 37, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Health and Community Services shall have leave to introduce a bill entitled, An Act Respecting The Protection And Promotion Of Public Health, Bill 37, and that the said bill be now read a first time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, 'nay.'

The motion is carried.

Motion, the hon. the Minister of Health and Community Services to introduce a bill, "An Act Respecting The Protection And Promotion Of Public Health," carried. (Bill 37)

CLERK (Barnes): A bill, An Act Respecting The Protection And Promotion Of Public Health. (Bill 37)

MR. SPEAKER: This bill has now been read a first time.

When shall the said bill be read a second time?

Tomorrow?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 37 read a first time, ordered read a second time on tomorrow.

MR. SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board for leave to introduce a bill entitled, An Act Respecting The Reporting Requirements Of Public Bodies, Bill 38, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Finance and President of Treasury Board shall have leave to introduce a bill entitled, An Act Respecting The Reporting Requirements Of Public Bodies, Bill 38, and that the said bill be now read a first time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, 'nay.'

The motion is carried.

Motion, the hon. the Minister of Finance and President of Treasury Board to introduce a bill, "An Act Respecting The Reporting Requirements Of Public Bodies," carried. (Bill 38).

CLERK: A bill, An Act Respecting The Reporting Requirements Of Public Bodies. (Bill 38)

MR. SPEAKER: This bill has now been read a first time.

When shall the said bill be read a second time?

Tomorrow?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 38 read a first time, ordered read a second time on tomorrow.

MR. SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Yes, Mr. Speaker, I call from the Order Paper, Order 3, second reading of Bill 12.

MR. SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, I move, seconded by the hon. the Minister of Finance and President of Treasury Board that Bill 12, An Act Respecting The Protection Of Intimate Images be now read a second time.

MR. SPEAKER: It is moved and second that Bill 12 be now read a second time.

Motion, second reading of a bill, "An Act Respecting The Protection Of Intimate Images." (Bill 12)

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Thank you, Mr. Speaker.

I am very proud today to be able to stand in this House and speak to Bill 12, which is An Act Respecting the Protection of Intimate Images. This is certainly one of those pieces of legislation that I don't think people in 2003, 15 years ago, would have sat here and contemplated debating legislation of this type. This is a piece of legislation that is evidence of technological change, change in society. It's just something that's come with evolution. Again, I think this is a very positive bill dealing with a very negative subject.

The first thing I'd like to do – and this is prior to talking about the substance of the bill and getting into the genesis of it and how we started it and what we thought about – is I want to give thanks to a few people in the department that have been working on this piece of legislation. People like Megan Collins, Chad Blundon, Kendra Wright. People like Jennifer Mercer and Heather Jacobs.

I apologize if I've missed a few more that have been a part of this; but it's amazing, when we talk about the legislative process, we stand up here and we debate bills and it's funny because people talk about the finished product – nobody wants to see the sausage being made. You only want the finished product, but the fact is that the process that has led us to this piece of legislation, the internal workings here, is something that I've very much been a part of and very much enjoyed.

I enjoy that process in general when we talk about law making. I have to tell you – and I'll talk a little bit about how this started, how this came about and what led us to being here today debating on second reading this piece of legislation. These people that I just mentioned are people that work behind the scenes. You probably don't see them. Many people don't know them, but I got to tell you the work that they do and the work that they've done, not just on this piece of legislation but on so many, really, it's thankless work sometimes but I want to thank them now publicly for what they've done.

This morning we had a press conference where we did a media briefing and a technical briefing. It's people like Chad and Kendra that sat at the table today and explained it to the media, and that's so important because it's these people, the media, that will take this and report this. One of the big things I mentioned in our press conference today when we speak about this is the need for education, not just when it comes to this topic and this subject but when it comes to this particular piece of legislation, which is designed to combat what I really think is unfortunately a plague that has come with the advent of this particular technology.

I want to thank those individuals and certainly they have been available to work with the Opposition and to brief the Opposition. I appreciate that. I'll do my best, with their guidance, during the Committee phase of this debate where we get a chance to ask a lot of questions. I can tell you after having heard – the media did a really good job during the technical briefing of asking a lot of questions, practical questions: How does this work? What if you had this hypothetical or that hypothetical? So I think that's a positive thing.

So before I get into how it came about, I want to talk about the bill itself. This bill will allow a person, whose intimate image was distributed without consent, to commence an action against the person who distributed the intimate image, and creates civil remedies to deter, prevent and respond to the harms of non-consensual distribution of intimate images.

So, what we know now, with technology, with – again, I try not to date myself. I don't think I'm getting that old, but I can still remember getting my first cellphone. I can remember getting my first one that actually had a camera on it. We've moved forward through time. We had digital cameras, and now we get to the point where what we have sitting here in our hands, every waking moment of our lives now, are really mini computers. And one thing, throughout time, is that we've always had the creation of intimate images which, again, I don't think needs description. I think people get what we're talking about. It's the act of creating a picture or a recording, and the description is in the legislation, between two consenting adults.

So what we have now, especially with the advent of this technology, is we have more means by which to create imagery and to distribute imagery. You think about the old days – and again, I'm saying old days, that might be an insult to some of my colleagues – but when you think about the devices that we had before, the distribution part was quite difficult, and even the creation aspect was difficult.

But now with this technology, and I tell you what – I'll get a bit into this later on, which is one of the big reasons that we're doing this, is the fact that it's not just adults that have this, it's our kids. Our kids have access to this technology. Every child is going around with the phone, with the device, and that's one of the reasons that I think we need a piece of legislation like this.

So the purpose behind this is to deter and to prevent and to create a means by which someone who has had one of their intimate images, without consent, shared by another individual. It's a pretty simple concept. People have these images, they shared these images – and again, I apologize, Mr. Speaker, because I don't have

any prepared notes. My goal is to provide some insight on to how we got here.

But I actually had someone today on a social media platform, when we were talking about this, said: Well, an easy solution to that is don't create the image. And do you know what? That's a pretty simple thing to say, unfortunately, to this. In many cases, it's blaming the person. That's what we're trying to get away from.

We're dealing with reality, and the reality is that we have the creation of imagery between consenting adults, and then what's happening is that one person, for whatever reasons – usually negative – and I'll say, usually, because there are, unfortunately, cases where I don't think people fully realize – and I'm talking about young people – what they're doing. It may not be for mal-intent, but they do it, especially amongst adults. You're sharing that image of someone and it's for negative purposes, hurtful purposes and painful purposes.

The terminology that's commonly associated with this is revenge porn. You're taking an image of somebody that was given to you with consent, between consenting people, and just the terminology, intimate, it's people – very privately. And for whatever reason, you take that image and you're going to share it just to hurt that person.

We're creating (inaudible) the fact is that's criminal. There's a criminal offence – I believe it's section 162 of the code; 162.1, maybe. That's a criminal offence. We're not dealing with the fact, it is something to say you shouldn't do this, you shouldn't do that. That's fine, but the reality is it's happening. I got to tell you what, we have these individuals – you only have to talk to someone who's had this done to them to realize the pain and the hurt.

It's not just embarrassment; this leads to life-altering circumstances. And it's done usually for a negative reason. Somebody is upset. They might be upset for the end of a relationship; might be upset for any kind of reason. Who knows what the reason is? None of them are good. There is literally no reason to do this. But the fact is that it does happen. So what we're dealing with is the non-consensual distribution

to a person or to other people of an image of another individual. Without consent, it does not and should not happen.

So what we've created here is a means by which the person who had their image shared – even though there's a *Criminal Code* offence for this – now they have a civil remedy where they can take action, commonly referred to as a lawsuit. They can sue, launch an action against that individual and there are various repercussions that can come out of it, whether it's financial damages, penalties, the removal of the image from the Internet and any other order that a judge sees fit.

So I'm going to get into the act now in a second and talk about it, but I also want to thank some people out in the community now. When you think about something like Twitter, you know what, it's hard sometimes, especially being a politician, to see the positive side of it. It really has opened up, I think, some negative rabbit holes, and you only have to check it out every day to see that sometimes it's just a cesspool.

But there are some positive things that come from Twitter and other social media platforms. Without getting into all of them, because that's not what this debate is about, I actually had an individual who is a lawyer out there, and I'm going to give credit where credit is due. It's an individual – he's a practising lawyer named Geoff Budden. Geoff Budden reached out to me, and we started a conversation on this topic, right.

It really goes to show how just sometimes reaching out to people can lead to this. We're in the House debating a piece of legislation that's going to help people, and it's because of someone like Geoff Budden, for whatever reason, I never got into his interest in it or if he had actually dealt with it, but he talked about, you know, what do you think about this, pointed to other jurisdictions.

That started a chain reaction where I started looking into it. I started researching it and I brought it to my team. And we sat down, the executive of JPS – I always like to call it the Justice league. We sat down, we talked about it. And that led to, you know what, jurisdictional

scans and led to research; that led to drafting, led to phone calls, led to a lot of work.

I was going through scans of every jurisdiction, and on breakdowns of their legislation, what ours should look like, why should we do this, why should we not do that. That led to, again, reaching out to other groups, advocates outside, looking to other jurisdictions to see how the jurisprudence has worked out there.

Nova Scotia, particularly, has a cyber-bullying piece of legislation. They've gone really far. And one of the tragedies they've dealt with was the loss of a young person, Rehtaeh Parsons, and I don't need to talk about that story but it's just a brutally sad story, and this was one of the issues that was tied up in that amongst others. Her mom has actually been to this province, has spoken out, has taken that tragedy and turned it into, hopefully, something positive and cautionary for others, and I commend her for that.

So that's what led to this piece of legislation. I also point out there's an associate with Mr. Budden's firm, Allison Conway, that's spoken a lot about this. So we reached out then to the Status of Women, to PLIAN, to the Sexual Assault Crisis and Prevention Centre, our partners. We're working with them all the time and trying to figure out, you know, what do you think about this, ideas, solutions, suggestions?

Again, we reached out to the statutory office of the Office of the Privacy Commissioner who came back with some suggestions, which have been implemented into this bill. Obviously, when you're talking about an issue like this and legislation of this, it definitely, obviously, has a privacy and a personal information aspect to it.

Mr. Molloy looked it over, came back with some comments. We implemented some of the comments into this. That's what has led us to this piece of legislation, which we announced back in the spring, that it was our intent to do it. We had to do a lot of work, and that's why – we had hoped to have it ready for the spring but, you know what, I always say it's better to do something right than just to do it quick. So we have it here and I think it's the right mix.

When you get into the bill itself, Mr. Speaker, it's not huge in actual size. I wouldn't say it's not substantive, it certainly is. The first section we just deal with the definitions, where it gets right into what an intimate image actually is, "a visual recording of a person made by any means, including a photograph, film or video recording." And it lists the rest of the definition of what an intimate image is.

Then section 4 is where we get into it's an action. "It is a tort for a person to distribute an intimate image of another person without the other person's consent." That lays it out, boom, there is the wrongdoing, and that is laid out in section 4.

I'm going to move into section 5. There are some really important parts here that I think are noteworthy. Section 5 is: "An action for the non-consensual distribution of an intimate image may be commenced without proof of damage." That's really important.

The fact is that when we talk about civil litigation – and, certainly, I'm not talking for the benefit of the Leader of the Official Opposition. There's nobody in this room that's going to talk more about civil litigation than the Member opposite. He has spent a significant part of his life practicing. We talk about pain and suffering, we talk about damage, we talk about pecuniary versus non-pecuniary, and he'll do a much better job of talking about it.

But, generally speaking, it's easy to prove if you damage your car, what's the cost of replacement? What's the cost of repair? You can quantify that pretty simply, but when you talk about pain and suffering of an individual, what is a broken arm worth caused in an accident? What is pain and suffering worth? What is embarrassment worth?

It would be very difficult, I think, if we had to prove the damages here. In fact, I think it would be a deterrent to people commencing the action. What we're saying here with section 5 is it may be commenced without proof of damage.

"In an action for the non-consensual distribution of an intimate image," – section 6 – "the person depicted ... does not lose the expectation of privacy with respect to the intimate image where

(a) the person (i) consented to another person recording the intimate image, or (ii) provided the intimate image to another person; and (b) that the other person knew or ought reasonably to have known that the person depicted in the intimate image did not consent to the further distribution of the intimate image.”

So I think that lays it out. Just the fact that you created the image and may have distributed it to another individual, you created it with another individual, that does not remove the expectation of privacy.

Another, I think, very significant section is in section 7. “Where an action for the non-consensual distribution of an intimate image is commenced, (a) it shall be presumed that the intimate image was distributed without the consent of the person depicted in the intimate image; and (b) the defendant shall establish that he or she had reasonable grounds to believe that he or she had ongoing consent for distribution of that intimate image.”

So what we’re doing is we’re flipping the onus. Usually the onus is on the individual to prove the damage, to prove the loss, to prove that it was the other person’s fault or liability, or it was their issue. This one is the other way around. The defendant, in a case like this, has to establish that they had the reasonable grounds to believe that they did have consent to do this.

So that flips it around, because it’s obviously very hard – you think about the plaintiffs in these cases, the victims in these cases. It’s already terrible enough. I say to people, you only have to talk to anybody that’s been involved in a situation like this. It’s traumatic. It is traumatic not knowing who has seen this picture, this recording, this image; not knowing who’s seen it, not knowing how far it has travelled; knowing that it could be out there on other sites for people to see. It’s disgusting what these people have to go through.

Again, I have no problem with this whatsoever. I was asked a question in the press conference: Do you think it could be challenged? Go for it. Go for it. Challenge it. Here’s an easier solution to those people that feel this is not right, put your phone away. Don’t send the image. This is a completely, entirely avoidable offence and issue.

There’s no reason for it. There’s no justification for it. Absolutely none, in my opinion, Mr. Speaker. Again, we have the reverse onus there which I think is entirely fitting in this case.

“It is a defence to an action for the non-consensual distribution of an intimate image to show that the distribution of the intimate image is in the public interest and does not extend beyond what is in the public interest.” That would be an interesting defence I think to try in a case like this.

Again, what I would say is that crossing the jurisdictions here – a lot of this legislation, we’ve got a lot of the same wording that is used in other jurisdictions. But that’s basically a fair defence, is what we’re saying here.

Remedies – so what can a person who’s been aggrieved claim in an action for the non-consensual distribution? The court may “(a) award damages to the plaintiff, including general, special, aggravated and punitive damages; (b) order the defendant to account to the plaintiff for any profits that have accrued to the defendant as a result of the non-consensual distribution of the intimate image and make an order in favour of the plaintiff with respect to the recovery of those profits from the defendant.”

If you think about it, it’s bad enough when you’re doing this for revenge, for those spiteful, hateful reasons that you’re just upset at somebody, and I’m going to embarrass that person. The second one is dealing with people that are making profit off that. Again, in most cases that I’ve dealt with, Mr. Speaker, it has been that have had their images shared for these personal, hurtful reasons.

“(c) issue an injunction on the terms and conditions that the court determines appropriate in the circumstances; and – so we can talk about injunctions for further distribution, for removal, for removing of phones and other technology – “(d) make any other order that the court considers just and reasonable in the circumstances.”

Now, I’ve said before, I hope to God that we don’t have to use this piece of legislation. I hope we don’t have to. But, unfortunately, given the fact that, criminally speaking, we’ve had seven

prosecutions as of April in this province, we've had six convictions; the sad reality is that we very well may need to. People may need to avail of this remedy.

I'm glad to know that we're leaving it very – I would consider it fairly loose in the sense that we have a lot of very good judges sitting on the bench, and depending on the circumstances, depending on the facts – and there's not a whole tremendous amount of case law to cite here. This is not something that we've seen widely across the country, but we're leaving it to our judges to be creative, and to deal with each case on the facts, and take what steps are necessary to try to right the wrong; to try to put the person back in the position that they were in before.

Now, that's impossible when you think about it, but we're taking steps here that are going to help deter, to prevent – and, again, we've left it there. I certainly like the remedy section. I think it's very good, and it allows for judiciary discretion.

Publication ban – “(1) Where an action for the non-consensual distribution of an intimate image is commenced, a person shall not publish or make public the names of the parties to the action or any information that may identify the parties to the action until the court determines whether to issue an order under subsection (2).

“(2) The court may make an order prohibiting the publication of the name of any party to the action or any information that may identify a party to the action where it considers the making of the order to be in the interest of justice.”

So this is good. It's an automatic publication ban right away, and that, again, when you look at it, the courts may make an order depending on the circumstances. This was something we discussed with the Privacy Commissioner. The person doesn't have to worry about going through that process. To me, it makes complete sense that we have a total publication ban automatically, which then, if there's somebody that's seeking or giving reason why that shouldn't be banned from the public, they can go to the court and let the court deal with it. But automatically right off the top, there is a ban on now.

And that continues on. Other rights not affected – again, that's the usual standard provision. So I won't get too much into that, Mr. Speaker.

I have to tell you, it's been a really interesting debate through this process, internally, and – not should we or should we not. I have to tell you, there's been widespread support internally and through our partners about this is a good move. This is a move in the right direction.

I have no doubt that this bill will pass and will hopefully get Royal Assent sooner rather than later – we're going to go through a debate, don't get me wrong, but I just fully believe that there will be unanimous support for this piece of legislation – or so my hope is. But the work goes on from here, and one of the big pieces that I've said here is I would rather see deterrents arise, prevention arise than an action after. Because even though we're giving that ability to have a cause of action, even though there are criminal implications here, that doesn't help take what that person's gone through back. And that's why I think we're going to have to work both – all of us within this House, as legislators.

But I especially want to work with my colleague in Education. I truly, truly believe that the best way to get through and make change is through our youth. The fact is that we all know as parents in this House and as family members, we all see young people have access to this technology, and I truly believe that, in some cases, this stuff goes on and I'd like to believe that many people just don't realize the impact of their actions. That's one of the things of being a young person – you learn, you grow.

But we need to educate that this is wrong and, by doing this, this is what could result from your action and the implications of it and you will be held accountable. But again, I think it's best if we convince people and show people why we should just avoid the action in the first place, which is the sharing without consent.

Consent is the key. Consent is the key in so many things. Do you have permission? And if you don't have permission, then don't do it. Very plain and simple, and that's my main message. We've got, I think, a very strong piece of legislation. We're allowing for those people

who've been wronged to take steps to fix that situation.

There's no fixing that emotional harm in some ways that's put on them, and you only have to talk to someone that's had it done or a family member. Again, I got to tell you, people say – I don't think there's any way to downplay the seriousness of it. I really don't. When somebody can hold it over you, when somebody's able to hold something over you and say if you do this, well this is what I'm going to show to the world – and I've talked to people who've had this done – it's a terrible, terrible feeling.

So I'd like to be able to educate and to work with departments, with the school board, to find a way to ensure that our young people are seeing this. I still think there's an education required amongst adults, but I also think that in some cases, as is often the case, that emotion takes over from reason and people, for various means, for various reasons, take these actions. I don't care, there's just no good reason that you should do this or can do this or think that it's justified, it's just not on, Mr. Speaker.

So, on that note, I will say that I know that I have a number of colleagues that would like to speak to this. I look forward to the debate, I look forward to the comments and I look forward to the Committee stage of this. Again, I want to thank all those individuals that have contributed to this piece of legislation and have spoken about it, spoken with me.

I got to tell you, I think we're making some progressive steps here, I think we're seen as being proactive and moving into the future here and, hopefully, we can prevent these types of offences from happening again.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Warr): Thank you.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Thank you, Mr. Speaker.

I thank the minister for those comments. I gather at this stage of things those who speak to the bill

are expected to make comments from a 10,000-foot kind of approach, and that detailed discussion or criticism is reserved for the Committee stage, am I on the right path here? I will assume that that's the case, and if I wander off that path then I'm sure you, Mr. Speaker, will correct me.

So this bill contains a reforming impulse, which I think it's likely everybody will agree is needed. It happens often that the common law, which has created over the years quite a multiplicity of individual torts, doesn't respond to the needs of society quickly enough. This is an example of a case where legislative intervention is required, we all think, I believe, in order to create a statutory tort. That is what this does.

We have three points of criticism here, though, which can be discussed in greater detail later, no doubt. The first point I'd like to make is that it would improve the bill if this tort were actionable without proof of damage. Here I make the comparison to an earlier statute from 37 years ago called the *Privacy Act* which was passed under the then Peckford government in 1981.

The reforming impulse and the structure and scheme of that particular legislation are quite similar to this. It did provide for 'actionability' without proof of damage, whereas this statute simply states it's a tort for a person to distribute intimate images, et cetera. It simply says that an action may be commenced without proof of damage. That's not the same thing as saying that damages are presumed or as in the language of the *Privacy Act*, section 3(1), it is a tort actionable without proof of damage. That's different. We might consider whether that would improve this legislation.

The big concern is always a speedy remedy in these situations, and we could have a closer look at the remedies section. Might it be improved by a provision expressly for the court to give an order to delete, for example, or something of that nature? Might we expressly mention *ex parte* and interim injunctions in the section that mentions injunctions, to simply emphasize that sometimes, or even often, where speed is of the essence to save an image from being disseminated into the Internet sometimes, or

maybe even often, ex parte injunctions are the expected thing?

The last point, Mr. Speaker, is that I don't see a provision dealing with limitations. Does this mean that the statutory cause of action falls within the general limitation of six years?

There's a two-year limitation for bodily injury, personal injury causes of action. Would this fall into the six-year basket clause in the general *Limitations Act* or should it be two years? In fact, the *Privacy Act* expressly provided for a two-year limitation, should we be considering an express provision in this bill.

Those are my comments for now.

MR. SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you very much, and it's an honour to speak to this bill today.

It's part of some of the great actions that this government has been taking, over the last year and a bit, to improve the status of women, and to improve actions that are available to women as we move forward.

Mr. Speaker, I reflect back on the Speech from the Throne, which really did lay out this government's desire to improve the status of women; to improve women leadership; to improve some of the causes and consequences of some of the actions that happened to women. It really did have a focus in the Speech from the Throne, and I think that really set out a course and a path for this government.

I was honoured to be the Minister Responsible for the Status of Women for the last year and a half, and I'm very proud of our government. For the first time ever, we will have a stand-alone department with its own Minister Responsible for the Status of Women, and I think it really does reflect this government's emphasize in this area, and I'm proud of that.

I know, over the last year, working with my colleagues here in the House, and many of my colleagues that sit around Cabinet table, we've been able to expand the definition, for example, on family violence. We were able to make a change to the *Labour Standards Act*. That's

underway now, and I reflect upon that, people who are escaping family violence, how important that leave will be. We made changes to the *Schools Act*, Mr. Speaker. That was another important change, and more to come, but we had to make that change very importantly.

Improvements to the *Residential Tenancies Act* – the Minister Responsible for Service NL made some changes to ensure those escaping family violence or violence could be able to do that without impact. And I think those changes all are reflective of an overall direction and focus of this government. So I'm very, very pleased to see yet another piece of legislation.

I want to thank the Minister of Justice and Public Safety for his concentrated effort in this area. He commenced a committee on violence against women and girls, and brought community partners together. There are a lot of community partners, co-chaired by the provincial president of the Status of Women, which very important, and committed, and is doing incredible work.

I want to also thank ministers that sit at government. I made a mention last week of how these ministers – I think there are seven ministers that sit on a ministerial committee that we talk to one another, how are we advancing things today, and how are we going to get this legislation in the House, what are we doing, and keeping each other accountable for those actions.

I look forward to seeing some of the great work that the new Minister Responsible for the Status of Women will do because I can tell you she will do great things. I'm so glad to welcome her as a minister, but I know that she'll have a tremendous focus on advancing the status of women. We are 52 per cent of the population – 52 per cent of the population – so it's great to be able to stand here today. This is a very important bill.

There's an increase in all kinds of new forms in the pervasiveness of technology and it's our responsibility as a government, as legislators here in this House, to provide protections to our province's residents to keep them from potential harm. And, it's not just females, Mr. Speaker. A

lot of males have had challenges in this area too. As this legislation will establish civil consequences to perpetrators who engage in the non-consensual distribution of intimate images, it is my hope that this act will prevent this inappropriate behaviour from occurring.

The non-consensual distribution of intimate images can have a long-term consequence in victim's lives – consequences that we, as a government, have the ability to mitigate through this act. It is imperative we – when we have the ability to do so – protect vulnerable people in our society from harm. That's our duty as a government, as policy makers, as legislators and each and every one of us need to take that duty responsibly.

Mr. Speaker, during my time, as I said, spent as Minister of the Status of Women I heard many, many tragic stories about people experiencing violence, experiencing challenge in their lives, and experiencing some of the issues that we have been addressing. It's my strong belief that the residents of our province will welcome this new legislation with open arms. I'm proud, as I said, to be part of a government that is taking violence so seriously, and it is important that we work collectively to introduce measures and initiatives that improve the lives of people experiencing violence.

This bill really is a benefit, I think, to ensure that people understand that it is wrong to send images without consent. It is wrong, especially intimate images, Mr. Speaker.

This bill really does one thing that I particularly like, it exercises reverse onus. And what that means is: "Where an action for the non-consensual distribution of an intimate image is commenced, (a) it shall be presumed that the ... image was distributed without the consent ..." and the defendant must establish they had reasonable grounds to believe they had consent.

The plaintiff doesn't have to prove that he or she did not give consent for the intimate image to be distributed; instead, the defendant must prove they were given permission to distribute the image. I think that's important. I think that's very important. I particularly like that piece of the act that says it is reverse onus, that you have to prove that if you distribute something that you

have not received explicit permission to circulate, then you shouldn't circulate it.

I think the minister earlier had talked about how important it is to understand that distribution of intimate images without consent is a tort for a person who distributed the intimate image.

My hon. colleague that spoke just before me, spoke about a tort. I'll say for the people that may be listening and who are not lawyers, a tort is a wrongful act or an infringement of a right, other than under contract, leading to a civil legal liability. A civil wrong that causes a complainant to suffer loss or harm resulting in legal liability for the person who commits the tortious act.

Mr. Speaker, this is not the first time in Canada this has been used, this type of legislation. I can tell you that Manitoba, Nova Scotia, Saskatchewan have had this type of legislation, and I am pleased to say that we now join some of our colleagues across the country in implementing this.

Federally, we also have an act. In 2015, the federal government criminalized the non-consensual sharing of intimate images by making amendments to the *Criminal Code*. These laws made it a new offence to publish, distribute or transmit any images of a person in an intimate setting which were shared. And if found guilty, those indicted on charges could face up to five years in prison while summary convictions could carry a six month jail sentence and a \$5,000 fine. Prior to this legislation, victims were only protected if they were under the age of 18 through the child pornography law.

Why do we need provincial changes to this if it's already a federal crime? The federal and provincial laws are independent of each other. Victims have the right to pursue both or either of these avenues. The burden of proof in a criminal case makes it difficult to actually convict someone of a crime, since they have to prove guilt beyond a reasonable doubt. Having a separate act provincially would mean there is a lower standard that needs to be met. If a person is found not guilty in a criminal case, they could still be found guilty in a civil case.

Mr. Speaker, I note the hour. I know a lot of people want to speak to this bill today. Again, I will say, I think it's another step forward. It's another step forward in protecting the people of this province. It's another step forward in ensuring that especially rights are protected and that the onus – again, I'm going to say this. It's a reverse onus, and I think that's really important for the people of this province.

So I thank you for the opportunity to speak very positively to this bill. Again, I congratulate the Minister of Justice and Public Safety for bringing it forward.

Thank you.

MR. SPEAKER: Thank you.

The hon. the Leader of the Third Party.

MS. ROGERS: Thank you very much, Mr. Speaker.

I am standing to speak to Bill 12, An Act Respecting the Protection of Intimate Images.

This act is really about catching up with the technology that we experience in our lives today, and that's one thing about our laws. Sometimes people feel that our laws are just kind of carved in stone and that there are no changes, when, in fact, our laws in our province are living, breathing issues, where our laws have to catch up to the realities and the changes in our lives, and one of them, this bill in particular, is an example of that.

The new act addresses civil remedies for a person whose intimate image was distributed without consent. We're hearing a lot about those kinds of things happening, Mr. Speaker, in the media. We hear about them.

First of all, I'd like to thank Chad Blundon and Kendra Wright from the Department of Justice who gave us a very thorough briefing on this law. They made it very, very accessible. They told us the history of why this bill is coming before the House, what its intent is, and they did a great job of that.

It also allows a person whose images were distributed without consent to commence a civil

action against the person who distributed the intimate images. So this is really about civil actions, Mr. Speaker. And it "create civil remedies to deter, prevent and respond to the harms of the non-consensual distribution of intimate images."

Again, in the media we've heard of tragic stories where a young woman, or a former spouse's intimate images were released publicly through social media, and the harm that that has done. Then, when we look at the issue of what's happening in some of our schools and the release of images, but that also comes under other legislation around child pornography as well. So I'll talk a little bit about that.

It's not only about giving those who have been harmed or damaged access to the courts for damages, because that alone doesn't help. It's also about deterring folks who would do this, because we've seen how harmful it can be, how damaging it can be and the lasting effects on someone when these images are released without their consent. So I totally support this legislation.

The reason for the bill is that the distribution of intimate images, without the consent of the person depicted in the image, is an offence under the *Criminal Code*. Under 162.1(1) "Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct, is guilty (a) of an indictable offence and liable to imprisonment for a term of not more than five years; or (b) of an offence punishable on summary conviction."

So this legislation – that's the *Criminal Code*. This legislation offers civil remedies for the person whose intimate images were distributed without their consent. It's such a violation. It's such a violation of people's privacy and bodily integrity.

They have to define what an intimate image is, and under this particular legislation an intimate image is a picture or a recording in which a person is nude or partially nude, or engaged in explicit sexual activity that was made in

circumstances that gave rise to an expectation of privacy in the picture or recording.

It's not about being unduly chaste, it's not about censorship, because people have a right to take images in their personal lives and in their relationships, but it's about when someone takes that image and releases it without the consent of the person who's depicted in that image. So the literal definition, which is found in the definitions in the legislation, is consistent with four other provinces who've already done this – Saskatchewan in their *Privacy Act*, Alberta, Manitoba and Nova Scotia.

In common language, this legislation provides a civil remedy for a person who is a victim of what has come to be known as revenge porn, which is a form of cyber-bullying. We've seen many cases of this in social media, and this is the intent of addressing those issues, Mr. Speaker. But again, let's keep in mind not only damages, but hopefully that this will be a deterrent from anyone who decides that they want to hurt, often, an ex-spouse or someone else that they have a grievance with, that they use this as a form to hurt that other person, to humiliate that other person, to inflict pain on that other person.

With the advent of social media cyber-bullying, including the distribution of intimate images, this is a growing problem in our society. We're seeing that, and it is so hurtful. The non-consensual distribution of intimate images, including videos, can occur in various situations involving adults and youth, including relationship breakdown and cyber-bullying. And I suspect, Mr. Speaker, that it is more often than not, comes out of a relationship breakdown.

So during a relationship, partners may exchange or take intimate photos of themselves for their personal use. And that's fine; people are free to do that. But when the relationships break down, one of the former partners may provide or distribute the intimate images to the other partner's family, friends, employers, et cetera, or may post such images on the Internet in order to seek revenge on their former partner. Often, Mr. Speaker, not exclusively, but often it is gender-based actions. So it's often a male partner releasing images about a former female partner.

Young people are also increasingly consensually exchanging intimate images, which may later become fodder for humiliating cyber-bullying attacks, with these images spreading quickly and often uncontrollably.

So, there's a lot of education that needs to be done here, Mr. Speaker, because young people are doing this back and forth without – you know what happens when we're young, how reckless we can be, and we don't think about – all of us have done that in terms of not thinking of the long-term effects of what our actions might be, as they follow us into adulthood, or not really thinking clearly all the way through the potential ramifications of our actions. Not that young people are stupid, but that it's often not at that stage of our lives where we think about long-term effects.

So, young folks, in fact, may be doing this willingly, and then it turns sour; then something happens, and then they suffer the effects of mass reproduction and mass distribution of their intimate images. This takes a lot of education. What we have to do is really help our children, help our young folks see the ramifications and teach them ways of protecting themselves. That's incumbent upon all of us, and it's incumbent upon our education systems as well.

So, what we have is a new technology that's absolutely fabulous, that helps us speak to one another, that helps us reach large numbers of people; it's great for research, it's great for organizing, it's great learning; but also, it can be used in a malevolent way. And we have to really be careful of that. It's not just about enacting new laws; it's also about ensuring that education is done to help our young folks protect themselves.

Often these images are originally intended for an individual. So when people do consensual photos or videos or some kind of recording, it's often done in an intimate setting, where there's an expectation of privacy, where there's an expectation of trust, where there's an expectation of respect. But again, we all know in our lives that those kinds of relationships can break down.

The effect of this distribution is a violation of the depicted person's privacy in relation to

images, the distribution of which is likely to be embarrassing. The main goals of someone who's violating someone's privacy in this way is to be embarrassing, humiliating, harassing and degrading, or to otherwise harm that person who's intimate images that they have released.

And it's effective. We know how effective it is, and we have seen that that as a result of the Rehtaeh Parsons who had a connection here to Newfoundland and Labrador and the tragedy that surrounded the cyber-bullying of that young woman in Nova Scotia; she was 17 years old. She died by suicide in 2013, following the circulation of a digital photo of what her family says was a sexual assault. We see the tragic nature of that.

That's why it's so important that we are able to come up with laws that not only deal with the damage but, hopefully – hopefully – will prove to be a deterrent as well.

How prevalent is this? Well again, we're dealing with a relatively new phenomenon with access to technology, with social media. There are limits. Therefore, up to this point there are limited data on the extent and the nature of the distribution of intimate images online. Much of what is known and much of the research that has been done about this behaviour is anecdotal and comes out of the US.

Surveys show of adults between the ages of 18 and 54 found that one in 10 – this is phenomenal, Mr. Speaker. Again, this is based in the US. We're not so different; there are many similarities. One in 10 ex-partners have threatened to expose intimate photos of their ex online – one in 10; that's a lot. It's an awful lot.

Of these one in 10 threats, 60 per cent have been carried out. That's amazing. But again, it's often in the context of a relationship breakdown and often gender-based. So it's often women who have been targeted by this, and we can't forget that the purpose is humiliation, degradation, harassment and harm.

“A 2012 study published in the American journal *Archives of Pediatric and Adolescent Medicine* that surveyed 948 high school students in Texas, also found that 28% of the respondents had engaged in sexting.” Sexting is when you

have intimate, sexual conversations back and forth in text messaging.

“A third recent study of 606 high school students at a single private school, representing nearly the entire student body, found that nearly 20% sent a sexually explicit image of themselves, and that 25% indicated that they had *forwarded* such an image to others.”

So what we have, then, is folks who are trusting. They send the image, they are trusting – maybe someone has solicited that image, and we hear a lot about that, too. We're hearing something just recently in our own community of someone harassing women, more so young women. This man is asking them for their intimate images. And people trust. Young adults trust and they figure: Okay, well, this is kind of edgy; this is fun. And then it gets out of hand and gets out of control and they have no control any more.

Anecdotal reports show “that Canadian law enforcement receive complaints about the non consensual distribution of intimate images on a regular basis” It's a phenomenon that is growing. It's happening more and more. Unfortunately, it's happening more and more, “but unless the intimate images qualify as child pornography” – and that law already exists – “or are accompanied by additional aggravating features/conduct there is likely no criminal action that can be taken.” It's very difficult, because there is an onus on the person to prove that there wasn't consent.

So the good points in the legislation is that you can sue the person who distributes an intimate image without consent of the person depicted. You do not have to prove the distribution was damaging; it is assumed that it was. It also provides that the person in the image had an expectation of privacy when the image was recorded, and that privacy may have extended to one or two people. The person distributing the image knew or ought to have known the image was not meant for distribution.

So it can be that the person ought to have known that there was an expectation that this was not for distribution. So it creates a reverse onus and presumption that the image was not meant for distribution. The burden is on the person who distributes the image to show that they had

consent of the person who depicted and circulated that image.

That's encouraging in this particular kind of situation, Mr. Speaker, and it allows the court to "award damages to the plaintiff, including general, special, aggravated and punitive damages," and the court can impose a publication ban on the proceedings to protect the plaintiff, the person whose intimate image has been, without consent, distributed.

The Privacy Commissioner has reviewed this legislation, and the Privacy Commissioner has given it a thumbs-up because this really is all about privacy and the expectation and the right to privacy, and about violation of privacy. So it's good to be able to also get that seal of approval from the Privacy Commissioner.

I'll have some questions that I will ask in Committee.

Mr. Speaker, our caucus, my colleague from St. John's East - Quidi Vidi, we both support this legislation. Again, it points to the need for us to constantly look at our legislation as it relates to changes in modern technology, as it relates to life circumstances and how our society is changing.

So this is not about censorship. It's not about prudishness. It's about people's right to privacy; the expectation of privacy. Hopefully, Mr. Speaker, that along with this legislation comes more education in this area. We need to do much more education in our schools around the issue of child pornography, around the issue of cyber-bullying. Not to make our children paranoid or more afraid, but to equip them with the tools they need in order to protect themselves; to teach them more about respect, to teach them about respect for themselves and respect for their fellow students.

Mr. Speaker, that's all I have to say about this right now, and I look forward to Committee.

Thank you very much.

MR. SPEAKER: The hon. the Minister Responsible for the Status of Women.

SOME HON. MEMBERS: Hear, hear!

MS. HALEY: Thank you, Mr. Speaker.

As the Minister Responsible for the Status of Women, it is my honour to stand and speak to Bill 12, the Protection of Intimate Images Act.

This legislation deals with providing civil remedies to victims, deterring, preventing and responding to the harms associated with revenge, pornography and the non-consensual distribution of intimate images. The new legislation will establish civil consequences, in addition to those offences already listed in the *Criminal Code*, involving the non-consensual distribution of intimate images. Particularly, the new act would allow victims to sue a person in court, to hold that person accountable for distributing intimate images without their consent.

This is a very important bill. With the increase of new forms and the pervasiveness of technology, we as a government need to be able to provide protections against those who use those new technologies in ways to cause harm to others. It is essential that we remain current and relevant in how we provide protections to those who are most vulnerable in our society.

In our work as MHAs and ministers, we have been hearing from individuals and those in the community about the need to put protections in place to inhibit and discourage the non-consensual distribution of intimate images.

In 2015, the Government of Canada enacted a new voyeurism section of the *Criminal Code* after the *Protecting Canadians from Online Crime Act* was passed. This section of the *Criminal Code* makes it a criminal offence to knowingly distribute an intimate image of a person without the consent of the person depicted in the image.

What we are doing now is introducing complementary legislation to the protections already included in the *Criminal Code*, Mr. Speaker, and we are making other options possible. This legislation allows for non-criminal remedy. For example, the act would create a mechanism to allow for action to stop the image from being shared further, and address the removal of the image from the Internet. While this will eliminate the damage already

caused by sharing the image, it will also stop further harm and curtail the victimization.

We need to do what we can to protect vulnerable people, Mr. Speaker. With new technology we see these new forms of abuse, and that is precisely what this is, abuse. It is a form of control. When someone threatens to share an intimate image in order to force a behaviour, then that is a means to attempt to control that individual. Control is the root of violent behaviour.

Today, we are joining our counterparts in the federal government and four provinces, Alberta, Manitoba, Saskatchewan and Nova Scotia, all of which passed legislation to address the non-consensual distribution of intimate images in recent years.

I am extremely proud to be part of a government that takes the issue of violence so seriously. We work as a team to introduce measures and initiatives that improve the lives of people experiencing violence and abuse. We are proactively making changes to better meet the needs of everyone experiencing violence, Mr. Speaker, and those actions are not limited to those proposed here today. We have heard from stakeholders and from survivors who have experienced a need for change, such as these – we acted, and we will continue to do so.

Through the Women's Policy Office, we provide support to community organizations, and at the same time work within government to make progress on our own policies and programs.

Our government has made significant changes to legislation, regulations and policy that will positively work toward ending violence against women and girls. We amended the *Family Violence Protection Act* to expand the definition of violence to include psychological, emotional and financial harm.

This change enables survivors of those types of violence access to additional services, Mr. Speaker, and brought Newfoundland and Labrador in line with other jurisdictions throughout Canada.

We also made changes to the *Residential Tenancies Act* to better serve victims of

domestic violence. This change allows tenants experiencing family violence to have a level of support that had not been available in the province before. By providing this extra flexibility in lease termination, we hope that more women are able to escape violent situations at home when they feel it is time for them to do so. We support women to make the choices that are right for them and their families at the time they feel is best for them.

We introduced a new Harassment-Free Workplace Policy for those working in the public service. The new Harassment-Free Workplace Policy brings greater awareness of workplace harassment, increases accountability of those in authority, establishes timelines for formal investigations, and includes a comprehensive complaint-resolution process, Mr. Speaker.

As well, changes made to the *Schools Act* will ensure the act better meets the needs of victims of violence throughout the province, including victims of sexual violence. It addresses the provision of alternate delivery of instruction where a student's presence would be detrimental to the well-being of others.

Last week, we introduced legislation to amend the *Labour Standards Act* to allow family violence leave. Family violence leave will provide up to three days of paid leave and seven days of unpaid leave for individuals experiencing family violence.

We are also in the process of implementing *Towards Recovery*, a report by the All-Party Committee on Mental Health and Addictions, as well as recommendations stemming from the *Premier's Task Force on Improving Educational Outcomes*. Both of these initiatives address the root cause of violence.

My predecessor, the Member for St. John's West, formed a committee of ministers to advance matters of importance to women and girls in our province. That committee is a great example of how we work as a team. My colleagues are dedicated to preventing and eliminating violence and abuse, and through the work of that committee we have made many strides and improvements.

This committee reaches into many aspects; into Education, into Health and Community Services, into services that the Province of Newfoundland and Labrador offers, Mr. Speaker, many, many departments. This ministerial committee has and will continue to make the changes that are required to address the concerns that have been expressed to us, the concerns we know as a society. Mr. Speaker, I do commit to continuing the work of the Member for St. John's West, that she began with this committee.

Additionally, we have established a Minister's Committee on Violence Against Women and Girls, which is co-chaired by the Minister of Justice and Public Safety and the president of the Provincial Advisory Council on the Status of Women.

The Violence Prevention Initiative action plan, *Working Together for Violence-Free Communities*, is now 96 per cent implemented, Mr. Speaker. Over the past three years, government has undertaken a number of initiatives through the plan, including support for culturally responsive approaches, violence prevention in Indigenous communities, such as those funded through the Indigenous violence prevention grants program.

Working Together for Violence-Free Communities is a multi-departmental, community-government partnership. In order to implement the shared actions outlined in the plan, the Women's Policy Office works with partners including other departments, agencies and community organizations.

Many of the actions outlined in the plan have no end date. They are ongoing programs and initiatives that will continue to exist as a means to reduce, eliminate and prevent violence in Newfoundland and Labrador. We continue to work with its partners to implement ongoing and remaining action items.

We are now looking at how to proceed with violence prevention in Newfoundland and Labrador. In the coming months, we will be working with stakeholders and partners to hear their perspectives on violence prevention and the needs of the community. Mr. Speaker, I look forward to those discussions and moving on to the next phase of this initiative.

Through all of these efforts, we work to ensure the voices of those with current and past lived experience with violence or harassment are heard when we update any program and policy throughout government. Ending violence requires a collective response and it is not only the work of one committee, one community group or one government department, our government, Mr. Speaker, works in collaboration with community stakeholders to find long-term solutions to eradicate violence.

We are working very hard to identify the needs of our province. We are working to change with the times and present legislation that allows our responses to violence and abuse to be relevant and to respond to a changing society and changing technology, Mr. Speaker. And that is exactly what we will continue to do.

Congratulations to the Minister of Justice and Public Safety on taking another step forward for Newfoundland and Labrador. I look forward to seeing our continued progress.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Trimper): Thank you.

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

I'm just going to take a couple of moments to speak to Bill 12, An Act Respecting the Protection of Intimate Images.

Mr. Speaker, I'll just say up front that obviously I support this bill, as I'm sure does every other Member of the House of Assembly. I certainly acknowledge the Minister of Justice and the department and the work they've done to bring this forward today. I think it is important.

I think perhaps it's just the beginning because, arguably, what we're talking about here is intimate images, Mr. Speaker, but I would suggest that perhaps when you hear of this other phenomenon that is out there known as sexting and so on that occurs, I'm assuming between partners or people that want to engage in that

activity together, that they have some sort of a relationship. I would suggest that if that relationship were to go sour, and perhaps some of the information contained in some of those texts could be screenshot and put out there on the World Wide Web for the whole world to see, that could be perhaps just as embarrassing and just as offensive and just as damaging as a picture.

So, you know, while this certainly is a start and I'm glad we're doing it and it's recognizing this new issue which has occurred relating to technology, as I said, I would suggest that over time you may see this expand to other things, to deal with actual intimate texts and not just pictures.

But that's not what we're here to talk about today. We're here to talk about the sharing of pictures. As has been said, there's a reverse onus in this and I think that's a good thing, because basically what we're saying here is that it would be the onus on – if an individual were to share an intimate picture, the onus would be on that individual to prove that they had consent to do so versus the onus being on the victim having to prove that they didn't have consent to do so.

So the fact that we're using a reverse onus is a good thing and I think it differentiates itself, then, from the *Criminal Code* because there are certain offences under the *Criminal Code* that could cover this type of activity, potentially, but it's much harder to convict under the *Criminal Code* because of the reasonable doubt and innocent-until-proven-guilty type of aspect to the *Criminal Code*.

This allows for at least the person to – if they couldn't pursue an action under the *Criminal Code*, it gives them an opportunity to pursue it civilly; or even if they do pursue it under the *Criminal Code*, I'm assuming they could also, in addition, pursue it civilly through this legislation as well here in this province. I think that's a good thing.

I did have a couple of questions when we get to Committee. The Leader of the Official Opposition did raise a couple of good issues there. With his legal background, obviously, these are things that would perhaps occur to him

more so than someone, like myself, without that legal background.

Putting something in there that there would be an automatic – an order to delete, for example, as I think he mentioned, which is not specified – I'm assuming that under the current framework, that a judge could order that the image be deleted. I would think that that would be an automatic, in any case. But the Leader of the Official Opposition did point out that it doesn't actually state that specifically. So perhaps, that's a good idea to strengthen the legislation. I would agree with him there.

He also talked about statute of limitations, and whether it's a two-year statute of limitations, as it is for privacy breaches, I think, or is it the standard six-year statute of limitations. So what is the statute of limitations? It's not defined here in this legislation. So I, likewise, thought that was a good point. He also talked about an *ex parte* injunction, and some issues around that. So, he raised some good points.

A couple of other things he raised that, to be honest with you, I never quite caught and he was talking a bit legally. He would know more than I, so I'll wait to hear those questions asked and answered. But it is good, as Members of the Opposition, regardless which party, or if we're in a party or not, that we ask these questions and try to work together to strengthen legislation.

A couple of the questions that I'm going to have when we get to Committee, unless the minister addresses it when he speaks to close debate, one of the things that occurred to me is: What about the issue of multiple shares? I'm wondering how multiple shares would work.

For example, you have a couple who have shared intimate images; the relationship went sour. One of the members of the couple – it doesn't have to be the male against the female; it could be the female against the male. Although, I think we all recognize, primarily, I'm sure if you were to do the stats, it's probably male against female. But if that individual were to share a picture, for example – and I'm just thinking about it in a high school setting, for argument's sake, in a class.

The ex-boyfriend shares a picture of the ex-girlfriend, and then everybody in the class sort of takes part by everybody sharing it. And then the whole school shares it and so on. Does that mean that this person, that the victim could take an action against 100 students or 200 students, or would it just be against the person who initially started that chain going? And would it sort of be almost like a class action? I know it's not a class action, but the same kind of concept that there would be one action against everybody involved, or would there have to be multiple actions against multiple people because 100 people shared the image or 200, or whatever the case might be. I'm just sort of wondering how that would work. As I said, if the minister wants to address it when he closes debate, he can or, if not, we can until we get to Committee of the Whole.

The other thing that comes to mind here is I'm looking at section 8 when it talks about "It is a defence to an action for the non-consensual distribution of an intimate image to show that the distribution of the image is in the public interest and does not extend beyond what is in the public interest."

So again, I'm wondering about this whole aspect of public interest. We're saying there may be some cases when it's in the public interest that it's okay to share this. I'm just wondering: What situations would that be? One could argue that if there is a public figure involved, you could argue that because of the public figure involved it's in the public interest to share this information, but is it when we're talking about pictures and so on.

It's one thing to say to share it with some sort of a Committee of the House of Assembly, for example, or in Parliament – we've seen something going on now about issues here. It's one thing to share this, if you're bringing the House in disrepute in some way and doing it in a private manner versus saying, well, it's in the public interest for everybody to know that this individual took this picture or whatever, which we feel is inappropriate and speaks to that person's character, so now we're going to share it with the whole world, and it's okay because it's in the public interest. So I'm just curious how that would play out.

The other thing that I'm wondering is when we talk about the deterrence in terms of damages that may be awarded, there are no guidelines here in this legislation – and I'm not sure if there even would be in other legislation or how that work. I really don't know. Especially where this is new, you want there to be some deterrence. So if somebody knows, for argument's sake, I'm going to share this picture of whoever, and they're going to take an action against me, sue me or whatever, and all it's going to cost me is a hundred bucks or a \$500 fine or whatever, and that's it, maybe it's worth it, in the mind of that person, to embarrass this individual. They've got this much anger and hatred and whatever for this person, in saying, gee whiz, if all it's going to cost me is 500 bucks or whatever or \$1,000, it's worth it to embarrass this person.

So, in terms of what the actual – I'm using the word fine; that's probably not the right word – judgments, I guess. I guess judgment is perhaps the right word, legal word. So determine what that judgment will be and how punitive it will be in nature, in terms of what the judge would award, there's nothing here, or there are no guidelines here. I'm not sure how it would be determined what those guidelines are, and what will be considered a deterrent and so on, so people know upfront that if you do this, you're going to get more than simply a slap on the wrist for it. It's going to be a significant deterrent built into this legislation in terms of the judgment against you. So, that's just another point that comes to mind in reading this legislation.

We'll wait until we get to Committee, unless somebody else asks it in Committee before I get an opportunity or the minister, when he closes debate, may answer some of these questions. Barring that, I will have those questions in Committee.

But beyond that, as I indicated, I think it's a good piece of legislation. It recognizes the new world that we live in, I guess, in terms of the World Wide Web and so on. Some things that happen on the World Wide Web and social media are good things, and they can be used for good purposes, and we also know they can be used for not-so-good purposes as well. It basically comes down to the individuals using it.

And to put something in here to protect victims of this type of crime, or what we're defining as a crime, albeit it may be a tort, maybe a civil tort versus a crime in terms of if someone is going to be convicted under *Criminal Code*, but to put a further deterrence on this type of activity, I think, is a positive thing, and I do support it. As I said, I do have a couple of questions and I'm sure other Members have as well.

It's important that as we debate this piece of legislation, no different than any piece of legislation that we debate in this House, that we ask those questions, hopefully get those answers. If there are things that were overlooked, that we can make amendments if necessary to have the best possible legislation going forward.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

SOME HON. MEMBERS: Hear, hear!

MS. DEMPSTER: Thank you, Mr. Speaker.

I'm happy to stand and speak for a few minutes to Bill 12 today, An Act Respecting the Protection of Intimate Images.

Just for the purpose of anyone who might be just now tuning in, you never know, 4 o'clock in the day, Mr. Speaker. This is a bill that would enact the *Intimate Images Protection Act* and it would "allow a person whose intimate image was distributed without consent to commence an action against the person who distributed the intimate image; and create civil remedies to deter, prevent and respond to the harms of non-consensual distribution of intimate images."

I guess what we're talking about today is the downside of this digital technological age that we find ourselves in. As I was reading a little bit about this act last night, my mind went back to even remembering getting my first computer in my office in Charlottetown. That was a big deal, and eventually we had the big laptops and it moved on.

Now, most of us who are parents to young adults, we know – somewhere I was reading how there are not many days that you don't see a

young adult with a device in their hand. Well, I would argue there are probably not many hours in a day that a young adult, in particular – and I'm going to focus a little bit on young adults, not just from the perspective of my department but also as an individual who happens to be around a lot of young adults having a daughter that's just a few days shy of 22, Mr. Speaker.

I want to start by commending the Minister of Justice and Public Safety in bringing in this legislation. To him, and to all of the people behind the scenes, there's a tremendous amount of work that goes into a bill, just to get it here to the Legislature. I want to commend him for introducing this new legislation that will help victims of revenge pornography and non-consensual distribution of intimate images.

I think, Mr. Speaker, if my grandparents were to hear something like revenge pornography, they would have absolutely no idea what we were talking about.

There are lots of positives to this, iPhones and cameras, this day and age that we can point to. If your parents live on the other end of the country, Face Time and things like that is so valuable. Those are positive things. But we need not look very far, we all have stories of very difficult situations that have happened because someone has had a device and in a moment they took a photo, or they consented to a photo, or maybe even to a video, Mr. Speaker, and then things happened, relationships end, people move on and the consequences can be very, very damaging.

I listened to the Member across the way reference whether it was one share or whether it was multiple shares in terms of the penalty. I would argue the damage, the emotional damage, the damage to ones reputation with one share could be as bad multiple.

MR. LANE: (Inaudible.)

MS. DEMPSTER: Okay, I may have misunderstood the Member.

Anyway, Mr. Speaker, I'm really pleased to – and I thought that's what he said, if it's one share or multiple shares, but I –

MR. LANE: (Inaudible) multiple shares (inaudible).

MS. DEMPSTER: Oh, should everybody. Okay, I see what he means. The Member is asking a question, should everybody be charged if they –

AN HON. MEMBER: Wait until Committee.

MS. DEMPSTER: Yes, I'm sure the minister has an answer for that when it gets to the Committee stage, but he does raise a good point, Mr. Speaker. The Government of Newfoundland and Labrador has developed new legislation to provide those several remedies to deter, prevent and respond.

I want to talk for a couple of minutes about youth and the impact that, in particular, this can have on young people. I'm saying youth because, yes, adults can tend to have gadgets in their hand and use it on a daily or hourly basis as well, but, Mr. Speaker, the majority of children and youth use some form every day. We have things like Facebook, Instagram, Twitter, and I'm sure there are lots that I don't even know about. While there are many good things, it's important that we talk to youth and our children about the risks that are associated.

Mr. Speaker, children and youth are always learning, and it is our responsibility as adults to help them to learn, to teach them the importance of making good choices. Making good choices when it comes to what we post in social media is important for all of us. And those of us who are public figures, we've certainly learned a few lessons the hard way about the things we post to social media in terms of information we share and how important it is that we craft the message in the right way. So no different for our children, for our young people, that they think twice about something they're going to share, something they're going to see, that they think twice, that there are consequences.

The road we're going down with this new piece of legislation, Mr. Speaker, is we're going to put the message out that there are consequences. There will be a price to pay. You don't just get to hit a button, five minutes of your time and you have no idea what the end result is of the

person on the other end, the repercussions for that person.

I only know a few stories, but some of them are very sad. Where somebody, just out of revenge – they broke up and there was something that happened between the two of them – decides I'm going to share that now just to get back at that person; no idea what they're doing to that person's life.

I'm focused on young people but it's also adults, Mr. Speaker. Just this past spring, there's a case happening right now that's going to test the legislation in Manitoba. I think there are four other provinces that have already brought in legislation around intimate images, locally known as revenge pornography, where you had an individual that was in a relationship and years later she went to apply for a job – I believe as an RCMP officer – and found out that these images had been kept on someone's computer, had been shared. It really put her on a difficult road in her life that she had no idea she would end up on that road.

That case right now is going before the courts. But she talked about, initially, blaming herself. She said I was an adult and I consented to these images or the videos, whatever it was. She said I did a lot of blaming myself, but in the end she said I'm still a victim. If there's one thing in life, we're all very good at blaming ourselves. But it's more important, Mr. Speaker, right now, that we get out, that we talk to our children, that we go into schools. That we inform youth there are consequences to behaviour like this.

Another thing I would say, we are not to be naive in thinking how young people can be involved in this type of thing. People can be very young, and if their computer or their iPhone – if they're on it in a place that's not around the family, a parent might think: my Johnny would never be into that. But you can get into groups and things like that, and you really don't know, Mr. Speaker.

Some good examples for younger people would be staying connected with family and friends. Just always being aware I guess of the things your child or youth would be involved in.

Mr. Speaker, once photos, videos and even comments are made online, they can't be taken back once they're posted. Even when we think – it is my understanding – it has been deleted, it can be impossible to completely erase it from the Internet. Of course, posting an inappropriate photo online, Mr. Speaker, we all know, it can have devastating effects in the presence with our friends, family, schoolmates and well into the future. You might have a young person, 15 or 16, that was involved in this; fast-forward, they go through university, they come out with a degree, they're applying for a job and the employer does a background check – sometimes in that moment when you are young and feeling invincible you have no idea, you still don't have the knowledge and the wisdom that you accumulate once you've been on the road of life a little bit. So, all of a sudden, you're applying for a job, you're qualified for the job and then an issue comes up of something that you did back a number of years ago. These are the types of things we need to be talking to our children and youth about.

That is why it is so critical that all of us set a good example for our children and youth and that we teach them about making good choices and we teach them that there are consequences to actions, Mr. Speaker. While sometimes – and those of us who are parents in this Legislature, we've all been there where our children think you're invading my privacy; I have rights. And later on, as they get a little older, they will thank you that you stepped up and that you pushed and you say we only want what's best for you, and here is why it is important for us to have the conversation.

It's important that we explain to not just children and youth, but anybody out there, start this conversation that the Internet is not a private place. As a matter of fact, while you might be in your room behind closed doors and think you're having a private conversation with someone, the Internet is probably the most public place in the world.

That little gadget that you have in your hand, things can go viral in a moment, and you know that. And when we can do all kinds of things, as I mentioned earlier, like FaceTime people in other provinces or countries, that is what the Internet has done to us. Wonderful when it

comes to bringing families together, wonderful when it comes to carrying out business, wonderful when we have people like professionals that come to northern remote areas and they want to continue to work on their Ph.D. and things like that – all that's good. But there's also, like many things in life, a darker side.

We need to remind children and youth that they need to think twice before hitting enter or send, Mr. Speaker, because anything that they post can be used against them. Who their friends are today may not be who their friends are tomorrow. Who we're in a relationship with today may not be who we're in a relationship with tomorrow. So we can't drive that home enough, and I think the schools, if we want to pick this up early, has a very, very big role here to play.

The Minister of Justice talked about working collaboratively with the Minister of Education, and I certainly think he is on the right road here in terms of teaching our children and youth not to share anything on social media maybe that they wouldn't want their parent to see, that they wouldn't want their grandparent to see. If you would be embarrassed for your teacher or your coach to see it, don't share it. Don't share it. And sometimes that thought is not always put into that, Mr. Speaker.

We may even want to set limits on social media that can be beneficial for not only our children and our youth, but ourselves, too. Keeping computers in public areas in the homes, avoiding laptops, iPads, cellphones in bedrooms – I know some of these things are easier said than done. I know in my house, we made a rule that when we go to the dinner table in the evening, there is to be no phones at the dinner table. That's our hour that we sit down as a family. Now, my husband would argue I don't sit down with him as much as I used to in this job. But when we sit down as a family at the table, it's not for someone to see if they're getting a text from a friend down the road to see what they're doing tonight. No, it's to have that family time to talk about how was your day, and what did you do, and what's your plans for tomorrow.

Mr. Speaker, I think if all of us took a little bit of responsibility in that, little by little we can make some change. We can't change the world, but

we can work on changing our little corner of the world in setting good examples for our children and our youth through our own behaviour on social media. It speaks volumes. Having conversations with our youth around – and everybody here knows I love quotes – and one that I like, and I don't know who it's by: In a world where everyone is overexposed, the coolest thing you can do is remain a mystery. And sometimes I've used that with young people. You don't have to be always out there, putting yourself out there on the Internet. Sometimes, just keeping yourself a mystery in this world where everything is an open book is the best thing that you can do, Mr. Speaker.

What I really like about this, is that a lawsuit may result. A lawsuit may result in an order for the payment of damages and other orders that the court considers appropriate, including an injunction to stop further distribution. So what's going to happen here is someone is going to go out and they're going to share an intimate image, and they could easily destroy an individual's life on many levels by doing that.

I can't wait to see that person slammed; slammed in a court, fines, charges, and this is the price you pay. And then we all need, what we need to share, is that news story. We need to share the news story: Oh, did you see so-and-so that shared and they paid a big price? That's what we need to be hitting the shares on, and then people are going to say: Gee, really? Like, I don't have the money. I can't afford to be paying big fines. This is not a joke anymore. Sometimes people think they can hit a button and send, and it's all a joke. But, Mr. Speaker, it's not a joke when lives are destroyed.

I just want to share something from a lady, according to *The Canadian Press* – and this this is pretty recent, back in April of this year. A lady who works with the Safe Harbour Outreach Project talked about the impacts of unwanted image sharing. She talked about how the impacts are so vast, and they range from emotional, social, financial, psychological, and all these damages that, in so many ways, while we list them out, they're immeasurable. It's hard to just measure – put a price tag on the damage to that person's life. It was very, very sobering in that, she said: In some people, we have seen that they

have died by suicide because of how this has unfolded.

We're not talking about something light here. We're bringing in a piece of legislation because people's lives have been destroyed. Whether they were 15 or 16, or whether they were 25, in a moment, in a relationship, a picture got taken, a video got taken. There was a reasonable understanding, which is what this is legislation speaks to, a reasonable understanding that those videos or pictures would not be shared and, for sure, that when the relationship ended, that it would be destroyed. That is not the case. That's what happened to this young lady in Brandon, Manitoba. She thought that once the relationship ended, everything would be destroyed, and the next person in the relationship found it on the computer, Mr. Speaker.

Grasping the magnitude that people have ended their lives because this has happened, I hope anybody who is following this will say yeah, we need to do this; kudos to the minister for bringing in this very progressive piece of legislation because of the technological age that we find ourselves in and because of the damage that can be done to individuals. Consent must be mandatory.

I think, Mr. Speaker, a lot of times, this is about power and it is about control. We already know my minister – well, at that time, she was minister responsible for the Status of Women. She did a fine job last week talking about the definition of family violence, and this certainly fits into a form of violence. If we don't nip this now, and if we don't start charging people and putting the brakes on this, where's it going to be for the next generation? What kind of road are we headed down with more lives destroyed, more cost to society?

Mr. Speaker, then you have some child that's growing up and then they find out this happened to my mom, or this happened to my dad 15 years ago, and on and on it goes.

So, I am thankful for the opportunity to speak to this bill today, Mr. Speaker. I want to say again a big shout-out to the staff over in Justice and Public Safety for all the work they've put in. Once again, we're one of the first provinces out of the gate on this.

I look forward to seeing it being enacted and I can't wait – we never know who it's going to be, but for that first person to be charged so that we can make an example and, hopefully, then other people will think twice before they hit that send or that enter button, and really damage someone's life.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Placentia West - Bellevue.

MR. BROWNE: Thank you, Mr. Speaker.

It's certainly a pleasure for me to rise and speak to Bill 12, the Protection of Intimate Images act. We've certainly had a series of eloquent speakers here this afternoon, Mr. Speaker, so I won't belabour the point but I will have some perspective to give on this legislation.

Mr. Speaker, for those who are watching, they would know that Bill 12 provides civil remedies to victims and deters, prevents, and responds to the harm associated with revenge porn, as it is commonly known, and the non-consensual distribution of intimate images.

I'm very pleased that the Minister of Justice has brought this forward. As he referenced in his opening remarks, Mr. Speaker, it kind of came to him, someone reaching out in the legal community, and I'm very glad that they did. This new act will allow victims the opportunity to sue a person in civil court, to hold that person accountable for the distribution of intimate images without their consent.

As the Minister of Children, Seniors and Social Development just referenced, the sharing of intimate images or any type of imagery, whether it be video or photography, is a very serious matter if consent is not sought or given. As the minister alluded to, it's a violation of that person, of that individual.

Certainly with the increase and pervasiveness of technology, it's important that we bring this forward. So, essentially the legislation, Mr. Speaker, is allowing for a non-criminal remedy to create a mechanism to allow for action to stop

the image from being further shared, even though at that point the damage may surely be done. Because we know how damaging social media can be. It can also address the removal of the image from the Internet.

As has also been mentioned, Mr. Speaker, we're joining the federal government and four provinces, Alberta, Manitoba, Saskatchewan and Nova Scotia. All these jurisdictions have already brought forth legislation in their respective jurisdictions to address the non-consensual distribution of intimate images. I'm certainly very pleased that we're bringing this forward, Mr. Speaker. In addition to what has already been put into the *Criminal Code*, this bill we're debating here today will create civil remedies.

I did want to discuss my perspective on the bill, given that a lot of the conversation that we have heard surrounds the use of technology particularly by young people. There is no doubt that we've seen a technological revolution over the last number of years, particularly in the last decade, decade and a half, I would submit. Just as an example – of course, I'm very young myself, but I would have grown up using an etch-a-sketch, whereas most young children today would have iPads in their hands and iPhones. There's even an evolution of technology in my short life, Mr. Speaker. The Minister of Municipal Affairs and Environment probably used a scribbler in his time or parchment paper, but we certainly have seen that technological evolution.

Just going back to my own history, Mr. Speaker, it was grade 10 or grade 11 before I had a cellphone. You can remember you had to type on a flip phone at that time, if you didn't have a bag phone or one of those larger Motorola devices at the time. Then eventually we got into BlackBerries – remember the BlackBerries with the balls and whatnot. Now they have trackpads – the wheel on the side as well, Mr. Speaker.

We've seen all that evolution. I mean you can now, from your phone, do your banking, do your shopping. So, it all goes back to the point of where technology has gone and what we use it for. There's no doubt that young people use technology and social media platforms for the sharing of images and videos with their friends, with their families, with those that they're

associated with, but there is no doubt we also use those types of technologies for communications with their partners in relationships that they're in and what they share in those contexts, Mr. Speaker, is very important to protect.

What they offer to their partner, their partner of today who is not necessarily their partner of next year, that still should be sacrosanct, Mr. Speaker. That still should and ought to be protected. So, to get back to what the Minister of Justice said earlier, he's looking very forward to working with the Minister of Education in terms of educating young people on the risks associated with the type of dissemination of photographs and videography, and that's very important as well.

But if something happens, if an image is shared, with consent, in good faith, and is later used and weaponized against the person who shared it, of course there should be remedies, not only in the *Criminal Code* but of a civil variety, there should be remedies that exist.

I certainly commend the Minister of Justice for bringing this forth, and I'll be happy to vote in favour of this bill.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the hon. the Minister of Justice and Public Safety and Attorney General speaks now, he will close debate.

The hon. the Minister of Justice and Public Safety and Attorney General.

MR. A. PARSONS: Thank you, Mr. Speaker.

I'm so excited to get going. What I would say is I don't want to belabour what I've said previously. I appreciate the contributions from Members on both sides of the House, and certainly it seems that we've got support moving forward, and I think that's important.

What I will say, I will address some of the questions asked by my colleague across the way, the Leader of the Official Opposition. I think – and I'll try my best – these were the three

questions he put forward, and I've spent some time, while listening to everybody else, to try to come up with some answers to those.

The first one was whether the tort would be actionable without proof of damages or whether damages presume. And, if we look at the *Privacy Act* from 1981, it provides that: "It is a tort, actionable without proof of damage, for a person, wilfully and without a claim of right, to violate the privacy of an individual."

This piece of legislation specifically will allow a person to commence an action without proof of damage, so that's that legislation. We feel ours is of the same. And what I would note is that going through this process, we've looked very carefully at Saskatchewan, Alberta and Manitoba, who already have pre-existing pieces of legislation. This is very similar to what they have used there to a positive effect.

The second question – and again, I would point out these are good, solid, legal questions that are being asked – whether interim injunctions can be issued to provide quick relief. We do know that the rules of court already provide for a plaintiff to seek interim relief, and the courts are very able to deal with matters that had to be dealt with on an expedited basis. Section 9 provides broad remedies to the court so that it can make whatever order is appropriate in the circumstances.

So, as I was saying earlier in the debate, that particular section is broad for a reason. It allows courts to interpret and to provide whatever remedy or relief they feel necessary, and we feel that the rules of court can be used to allow for quick action, and certainly that would be our hope.

When it comes to the limitation period – and the Member's right, we don't have a specific provision. In paragraph 5(a) of the *Limitations Act*, as the Member knows, we're dealing with generally a two-year limitation period for an injury based in tort. So that's what we'll be proceeding with here – or that's my interpretation under the *Limitations Act*.

On that note, I'm going to take my seat, hopefully move this bill forward to Committee, and look forward to questions during that period.

Thank you.

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 12 be now read a second time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, 'nay.'

This motion is carried.

CLERK: A bill, An Act Respecting The Protection Of Intimate Images. (Bill 12)

MR. SPEAKER: This bill has now been read a second time.

When shall this bill be referred to a Committee of the Whole House?

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act Respecting The Protection Of Intimate Images," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 12)

MR. SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources, that the House resolve itself into a Committee of the Whole to consider Bill 12.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider the said bill.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, 'nay.'

The motion is carried.

On motion, that the House resolve itself into a Committee of the Whole, the Speaker left the Chair.

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 12, An Act Respecting The Protection Of Intimate Images.

A bill, "An Act Respecting The Protection Of Intimate Images." (Bill 12)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Is it the habit to stand when I make my remarks?

AN HON. MEMBER: Yes.

MR. CROSBIE: Thank you to the Minister of Justice and Public Safety for those introductory remarks.

Before I circle back to the points that he dealt with; again, I think we can all recognize that speedy remedy is of the utmost importance.

Civil litigation, which this facilitates, can be somewhat cumbersome. It's also, inevitably, somewhat expensive. It usually requires a lawyer to be hired. Many of the people that we have in mind as needing the potential protection of a statute like this are going to be, for example, high school students with little experience in finding lawyers and probably no money to pay them unless their families are able to provide the means.

I just raise the question for consideration of the House and the minister, as to whether a provision for some administrative law assistance might be in order. It may not be in this act, it

may be in a different act. For example, the Privacy Commissioner.

What I have in mind here is once an intimate image has escaped into the Internet, it may well be – I’m informed, because I’m not much of an expert on this myself – that you’re not going to ever get it deleted from everything. There are some more legitimate websites and less legitimate websites. The more legitimate ones will provide means – for somebody who wishes to complain and have an image deleted – for doing that, others may not; but this may be challenging to many people.

So I raise the issue for the minister’s consideration as to whether – perhaps an amendment to the Privacy Commissioner’s act is in order for this, but whether that officer could be tasked, along with his other duties, with giving administrative help to people who are complainants under this act, or generally in terms of intimate images to attempt to not so much retrieve, but accomplish the deletion of them. At least from websites that are likely to be at all co-operative in that. To expect people with little experience and expertise to be able to do that may be expecting too much, so I put that out for consideration.

On the question of this menu at section 9(1) different remedies; I agree, there is a basket clause there at sub (d) “make any other order that the court considers just and reasonable in the circumstances.” However, those of us who know, who work with the courts and work in the court system, know that judges are conservative. They’re inherently conservative and not generally innovators, put it that way.

So there’s something to be said for being even more specific beyond the basket clause there, any other order, to actually specify that an order might be obtained that the defendant – and I don’t know if this is exactly the right language – delete all intimate images of the plaintiff which are under his or her possession or care, custody and control. Or similar words like that. Just a specific additional power that makes it clear to the court concerned that that is something that the court should consider.

Again, I don’t know if a lot turns on this, but out of an abundance of caution, perhaps, where it

says: 9(1)(c) “issue an injunction ...” that it wouldn’t take much to insert the additional words – I’m trying to read my scribblings here – to make it clear that an ex parte injunction might be issued or an interim injunction.

Now, I know the concept injunction, broadly speaking, includes those sorts of things. Again, what’s the harm in being specific? It’s a reminder to the court that the Legislature means business. Where time is of the essence, an ex parte injunction, which means without the other side being there – it can even be obtained in a judge’s home, for example, based on affidavit evidence – is the kind of thing a court should be thinking about in these circumstances.

I am sure the minister has confident legal advice. It does seem to me, though, that there is a difference in the language where the *Privacy Act*, by section 3(1) says: “It is a tort, actionable without proof of damage”

There are other torts in common law that are the same. For example, battery and medical battery, and there are others. Actionable without proof of damage; it doesn’t say that. It says it “may be commenced without proof of damage.” So it leaves it up to interpretation of a court whether that actually is the intention. In other words, that the tort be actionable without proof of damage, and that may be a distinction.

Again, the minister has received legal advice. But, in my submission, it’s desirable to make it clear. And it doesn’t take much to amend the language; to use language comparable or exactly the same as in the *Privacy Act*.

I’ll have to take the word of the minister and his officials that this will fall into the two-year provision of the *Limitations Act*.

Those are my comments and questions.

Thank you.

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Thank you, Mr. Chair.

I appreciate the questions from the Member opposite, and I'll try my best to catch all of them.

A lot of this will be, not so much a disagreement as just – not a debate. But, as the Member said, I have received advice from various lawyers within the department and we have looked to other jurisdictions to see how the wording went there and we've had the benefit of being able to see four other jurisdictions specifically and use the wording that they've used, which has been successful.

What I will say is this, I'm never opposed to – I think we have a strong piece of legislation here that would withstand challenge; that will do the job that is necessary. I'm not opposed to – and I think it has been brought up about sunset clauses. I don't think there's the need for a sunset clause here. But, if after a period of time, somebody were to come back and suggest: well, you know what, now that we've had the experience – because the jurisprudence on this is pretty minimal. It has not been used a tremendous amount in other jurisdictions.

In a lot of cases, as you know, this stuff doesn't actually end up being completely litigated right to the end. You settle this as you go through. But I'm confident with the wording we have here.

One of the points the Member brings up, that I think the Privacy Commissioner probably agrees with, is talking about – it's litigants. Going to court is not an easy thing, not a simple thing. I'm not willing to change legislation on this specifically because I think that creates a slippery slope when it comes to just about any other form of litigation that we have where people are saying, well, I've been harmed, I've been aggrieved. What assistance is there for me?

What I do think is that our courts are moving forward with trying to make things easier for litigants to participate in that process. I think we also have groups and agencies out there that are willing to assist in this process when we talk about legal information, when we talk about legal knowledge. But, that being said, I'm always willing to listen to suggestions, to work with the Privacy Commissioner.

At this juncture, I'm not ready to change the legislation specifically for this one, just because I don't think it's – again, we haven't seen it elsewhere but I do think when we talk about victims and making the litigation process easier, I agree with him completely on that point, and I'm willing to find other ways that we can assist people when it comes to going to court. But, you know what, that's a challenge that's felt by family litigants. That's a challenge felt by litigants in a lot of other areas. Fortunately, they have legal aid in that case, but there are still issues that we deal with on that.

When it comes to the drafting as a whole, we've had the benefit – again, I trust the advice. I get to stand up and talk about this legislation, but the fact is we've had a lot of very smart, competent, qualified, capable people look at this and we've also had the benefit of looking at other jurisdictions to see how the wording works. We're confident with what we have here and we think it will withstand interpretation.

The specific part about section 9, about adding another section. I don't want to go down that rabbit hole of adding too many specific clauses. I trust the members of our judiciary to – when people get involved, I think there are going to be some standard clauses and penalties that people put in place.

So I like what we have. It's open enough that it can allow for a wide variety, but, at the same time, people are going to make specific asks when they participate in this process. But, that being said, down the road – like, right now, what we've got has been used in other jurisdictions successfully. So I like what we have here. I'm willing to stick with that. But, like anything, down the road if you can find a way to make legislation better – how many times do we have other pieces that come in here and get amended and changed because, with the benefit of time and usage, we see what works and what does not work. But I think what we have will work here now.

I think I've addressed everything. Like I say, a lot of it we may not come to an agreement, but I will say, I appreciate the questions from the Member because they're very solid, straightforward and pertinent points to what we're dealing with here.

CHAIR: The hon. the Leader of the Third Party.

MS. ROGERS: Thank you very much, Mr. Chair.

I have a few quick questions. One of them being, the act establishes a defence to the non-consensual distribution of an intimate image where distribution is in the public interest.

Can the minister elaborate what scenarios he envisions in that?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Yes, certainly. That was one that was brought during debate.

It seems to me – again, this was used in all the other pieces of legislation, to my knowledge. It's a similar defence that's used in defamation or cases like that where if what you're saying is of public interest, then it's allowed. Now, what I'm going to suggest is this, if two individuals, if one takes a picture and shares it with everybody and wants to make that claim that it's within the public interest, go ahead and try it and see how that works.

I think this is one of those things where you look at it on its face and you say, well, how is that there? I think it has some Charter implications here when we talk about free speech. That being said, trying to show generally what we see in these cases as being in the public interest, I would suggest to say, a foolhardy endeavour.

CHAIR: The hon. the Leader of the Third Party.

MS. ROGERS: Does the minister have any insight at all as to what monetary value could be imposed on the damages inflicted on a person? What amount compensates for the fact ones intimate image could be circulated on the Internet permanently?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: I think, if I'm correct, the first part was about the monetary side of it. There's not much legislation out there; typically, only on penalties where we talk about certain

criminal offences where there's a specific dollar amount.

When it comes to civil, most of the damages are set by jurisprudence, set by case law. We generally see a lot of plaintiff driven – well, say, car accidents, motor vehicle injuries. Generally, those injuries, through a series of time we've been able to establish ranges that it falls within, but that's over case by case and based on evidence.

Right now, we're not going to put it – there's no monetary amount because it's hard to say, well, A is worth X and B is worth Y. What we're saying here is that when this matter – if these matters were actually going to court, it would be like anybody, any plaintiff in a case, you will put forward what you think your damages are. You could sue for a million dollars, you could sue for \$10. That's up to the plaintiff. Then there's the defence. Then, at the end of the day, it would be the judiciary that decides: what is the monetary value of this? And usually it's based on looking at other jurisdictions, similar cases. Being new and innovative, we don't have that track record.

My personal preference – yes, obviously, it's hard to quantify in dollars the damage that's been caused, but I think it's strict enough, but loose enough at the same time, that people that choose to commit this tort will suffer, and that's the hope. Because the hope is that, in and of itself, will be the deterrent to stop people from doing it in the first place.

CHAIR: The hon. the Leader of the Third Party.

MS. ROGERS: Thank you, Mr. Chair.

Also section 10(1) and (2), which allows for the court to prohibit the publication of both the names of the plaintiff and the accused. Can the minister talk to us a little bit about what the process will be in this situation in terms of the banning of the publication of the names?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Thank you.

Yes, generally speaking, most times when matters go to court it's up to an applicant of

some sort to make the application to have the matter publication banned. It is not automatic, you have to make that claim.

In many cases, you'll see entities – like the media will make an application to have publication bans overturned or there shouldn't be a publication ban because it's in the public interest. It's in the public interest that these matters be known to everybody out there.

What we're saying here is: "Where an action for the non-consensual distribution ... is commenced ..." – so you actually put the action in, there is automatically a publication ban, which we think –

MS. ROGERS: Automatically.

MR. A. PARSONS: Automatically put in.

So it says: "... a person shall not publish or make public the names of the parties to the action or any information that might identify the parties ... until the court determines whether to issue an order under subsection (2)."

The publication ban is automatic. If someone were to choose to go on later and say, well, I'm making an application that I think for X reason this should be out in the public, they can do that. And that's the court's jurisdiction to decide. But instead of this, you make the claim and then you got to go to court to fight it to keep it private. It's private until somebody makes an argument to keep it public, which defies expectation but –

CHAIR: The hon. the Leader of the Third Party.

MS. ROGERS: So just a clarification on that then, where it says: "... until the court determines whether to issue an order under subsection (2)." So that gives the court the authority to lift that ban, even if no one has asked for it to be lifted. How pervasive is the publication ban from the start until the commencement of the issue?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: So looking at the section there – and what we'll do is we'll look at it in its entirety, subsections (1), (2), (3) and (4). So (1)

says where the action has commenced, the person shall not publish. So we automatically have a publication ban that's put in place, until the court determines whether to issue an order under subsection (2).

That's where it says the court may make an order prohibiting the publication. So again, it depends on the evolution of these matters. The big thing is that it's automatic. I don't know – I've never seen a court come in and waive a publication ban where somebody did not apply to have it lifted.

Notwithstanding subsection (1), where a person involved in this action is under the age of majority, a person shall not publish. So again, it is automatic there. Subsection (3), continues to apply after you reach the age of majority, because one possibility is that people involved in these actions may start off underage and, through the passage of time, may end up – that stays in place. Again, a person who contravenes that is guilty of an offence.

This is something that we talked to the Privacy Commissioner about, and it was actually his suggestion about making it mandatory – which is not always the case.

MS. ROGERS: (Inaudible.)

MR. A. PARSONS: Yes, the publication ban is mandatory; it's right off the start, as soon as you commence it, automatic. And we strongly support that, and I don't think anybody has any issue with that. This is different than most other cases where there may be some public interest component. I don't really see it here.

CHAIR: The hon. the Leader of the Third Party.

MS. ROGERS: Then in the case of the accused, once the case has finished, will the name – because this is a publication ban on both the plaintiff and the accused, or the respondent, yes? And then once the matter is heard and if there are awards to the plaintiff, is it not in the public's interest to have the name of the accused public?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: I'll leave that to the court to determine. Sometimes the issue is that by identifying the accused during proceedings or after affects the complainant. The complainant may not want this. And this is different than a *Criminal Code* offence, because this really is plaintive-driven.

So the publication ban, to me, will depend on what the plaintiff wants and what kind of settlement comes. Most of these, if it's anything like regular civil litigation, you often have a settlement that's bound by some confidentiality and we'll let that – see where it goes. If a complainant came out and said that they wanted it out, there's the possibility of an application to yes, put it out, so that the perpetrator is identified and what comes with that.

But the biggest thing is that everybody's covered under it because by releasing the identity of one, it could compromise the other.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Chair.

A lot of the questions have already been asked, so I'm not going to repeat them.

I would say, though, that in terms of the penalties, I understand what the minister is saying, you can't necessarily – I suppose you could, but generally you don't prescribe specifics as to what the penalties will be, and I guess over time this will evolve in the courts and they'll look at other jurisdictions and all this kind of stuff, and determine what these fines would be.

I would hope that it would be punitive in the fact that it would be enough of a deterrent, if you will, built it. I guess we have to count on our judges for that, that we don't get into a case that people are just simply getting a slap on the wrist where someone says, geez, it was worth sharing that because all I got was a couple of hundred dollar fine and it's worth that just to put it out there. So, we'll have to depend on the courts for that, and hopefully that happens.

The question I did have that wasn't asked by anybody else – and I did bring this up in second

reading – I'm wondering about multiple shares. So, I'll just give an example: Say you're in a high school, just for argument's sake, and you had an intimate image that was shared between, I'll just say a boyfriend, girlfriend, whatever, they break up, and the boyfriend decides he's going to put that out on Facebook. I'll just use that as an example. All of a sudden, everybody in that high school, 300 kids decide to share it on Facebook.

I know that might be an extreme – well, I don't think it is extreme, actually, because those types of things are happening in terms of, you see things catching on, and people share things, and the whole bullying thing that happens. But multiple people sharing that image, is it only the individual who had that original image, and shared it, that an action can be taken against, or could it be taken against every person who shared that image, particularly knowing that it wasn't cool to do that?

And if that was the case, would the person then have to file multiple claims against multiple people, or could you do it altogether as one claim and include everybody in it, or how would that scenario work out?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: A couple of things. First, to your point about being punitive – and I agree with you in theory, but generally making laws prescriptive can often be not as effective as you would think, and that's why we leave it open to interpretation. Because sometimes when you make a law prescriptive, you're forcing the judge to do that, and you're not allowing them to consider the circumstances of each particular case.

I used the *Criminal Code* and mandatory minimums where you're basically taking away decision making from judges, even though everybody agrees with the intent. So that's what I'm saying. I agree with you in theory – look, you want it to be a deterrent, so that people say: Whoa, this is why I'm not doing it.

The second part is that, (a), if you share that image, you are civilly liable for a tort, and possible liable for a criminal offence. So if you

share, share, share – along that line – yes, every single one. I'll leave it to a lawyer that's much better than me to say: How would you do it? Maybe I'm the first plaintiff, and I'm going to make an action against defendant one, defendant two, defendant three, defendant four, and you leave that – it's up to each one of them to prove that they did not share it.

So, again, I get what you're saying, and it's actually a good question because with the advent of social media and sharing in posts and everything else, we all know how that works, it can go along very virally. What I'm saying as the message: You do it, and I would encourage an action to be against you and every single person that shared it, because that's the message we need to get out. Each one of you should be liable, and each one of you should – I don't even think you should share the damages equally. You should all be hit with the same damage.

That's my opinion, but we'll leave that to a court to interpret, but the message, I think, gets through.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Minister.

I totally agree. I think every person who shares it should be equally guilty, and subject to punitive measures to be taken against them.

I did have one other question, and I'm struggling to remember what it is. Couldn't have been too serious, but there was something else.

I'm going to have to leave it, sorry.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 11 inclusive.

CHAIR: Clauses 2 through 11 inclusive.

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 11 carried.

CLERK: Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act Respecting The Protection Of Intimate Images.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

CHAIR: The hon. the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Chair.

I move, Mr. Chair, the Committee rise and report for Bill 12.

CHAIR: The motion is that the Committee rise and report Bill 12.

Shall the motion carry?

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

MR. SPEAKER: The hon. the Deputy Speaker, Chair of the Committee of the Whole.

MR. WARR: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 12 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 12 without amendment.

When shall the report be received?

MS. COADY: Now.

MR. SPEAKER: Now.

When shall the bill be read a third time?

MS. COADY: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, report received and adopted. Bill ordered read a third time on tomorrow.

MR. SPEAKER: The hon. the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

Considering the hour of the day, I move, seconded by the Minister of Health and Community Services that we do adjourn.

MR. SPEAKER: It is moved and seconded that this House do now adjourn.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, 'nay.'

The motion is carried.

This House stands adjourned until tomorrow at 10 o'clock.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 o'clock.