



BILL NO. 187

Government Bill

*2nd Session, 60th General Assembly
Nova Scotia
57 Elizabeth II, 2008*

An Act to Make Mandatory the Reporting of Child Pornography

CHAPTER 35
ACTS OF 2008

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 25, 2008**

The Honourable Cecil P. Clarke
Minister of Justice

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Make Mandatory the Reporting of Child Pornography

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Child Pornography Reporting Act*.

2 In this Act,

(a) “child pornography” means child pornography as defined in the *Criminal Code* (Canada);

(b) “informant” means a person reporting information pursuant to Section 3;

(c) “reporting entity” means an organization or person designated as a reporting entity by the regulations.

3 Every person who reasonably believes that a representation or material is child pornography shall promptly report to a reporting entity any information, whether or not it is confidential or privileged, that the person has respecting the representation or material.

4 Nothing in this Act requires or authorizes a person to seek out child pornography.

5 (1) No action lies against any person for reporting information pursuant to Section 3 unless the reporting of that information is done falsely and maliciously.

(2) Except as permitted in the course of judicial proceedings or otherwise by law, or with the written consent of the informant, no person shall disclose the identity of an informant to any person.

(3) No person shall dismiss, suspend, demote, discipline, harass, interfere with or otherwise disadvantage an informant.

6 Where, after reviewing a report made to it pursuant to Section 3, a reporting entity that is not a law enforcement agency reasonably believes that the representation or material is child pornography, the reporting entity shall report the matter to a law enforcement agency and take any further action as may be set out in the regulations.

7 (1) Every person who contravenes Section 3 is guilty of an offence and is liable on summary conviction to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months, or to both.

(2) No prosecution for a contravention of Section 3 may be commenced more than two years after the contravention occurred.

8 Every person who falsely and maliciously reports to a reporting entity that a representation or material is child pornography is guilty of an offence and is liable on summary conviction

to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months, or to both.

- 9 (1) The Governor in Council may make regulations
- (a) designating one or more organizations or persons as reporting entities for the purpose of receiving reports of child pornography under this Act;
 - (b) prescribing the duties of a reporting entity;
 - (c) defining any word or expression used but not defined in this Act;
 - (d) the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

10 Subsection 4A(2) of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act*, as enacted by Chapter 1 of the Acts of 1999 (Second Session) and amended by Chapter 4 of the Acts of 2004, is further amended by adding immediately after clause (a) the following clause:

- (aa) subsection 5(2) of the *Child Pornography Reporting Act*;

11 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
