



**Prince Edward Island
Knights of Columbus
State Convention
April 17-18, 2009**



Resolutions:

- 1. Resolved, that we extend to Supreme Knight Carl A. Anderson, his fellow Supreme Officers, and Board of Directors our thanks and appreciation for their tireless efforts on behalf of our great Order.**
- 2. Resolved, that we pledge our full support to our Holy Father Pope Benedict XVI, the Most Reverend Vernon Fougere, Bishop of the Diocese of Charlottetown, Fr. Blair Bernard, our State Chaplain and to all clergy within our jurisdiction .**
- 3. Resolved that we continue to encourage all Brother Knights to pray for Fr. Michael J. McGivney's elevation to the honours of the altar; to join the Father McGivney Guild, and to continue to pursue the cause of Fr. Michael J. McGivney.**
- 4. Resolved, that we designate State Chaplains regardless of their ecclesiastical rank as guests of the Supreme Council at the Supreme Council's annual meeting; and**

Further Resolved, that State Chaplains be entitled to a per diem and the reimbursement of their travel expenses equal to that received by other delegates from their jurisdiction attending the Supreme Council annual meeting.

- 5. Resolved that subsection 168(6) of the Charter, Constitution and Laws of the Order be reviewed and redrafted to reflect the language of the criminal law of all jurisdictions in which our Order is present and not just the law of the United States.**

6. Volunteer Protection Act

WHEREAS, the Knights of Columbus is a catholic, family, fraternal organization with membership in twenty-one councils across Prince Edward Island;

AND WHEREAS, it is recognized that volunteers are the foundation of the work which we do;

AND WHEREAS, it is recognized that many other volunteer organizations are dependent on the valuable contribution of volunteers to their organizations;

AND WHEREAS, volunteers are becoming increasingly concerned of their personal liability from ‘becoming involved’ and are examining options to protect themselves from personal liability, in appropriate circumstances;

RESOLVED, that the Government of Prince Edward Island, once again, be encouraged to enact legislation in this province similar to that contained in the *Volunteer Protection Act*, S.N.S., c.14, a copy of which is attached to this resolution;

FURTHER RESOLVED, that the Government of Prince Edward Island be encouraged to treat the enactment of such legislation as a legislative priority;

AND FURTHER RESOLVED, that a copy of this resolution be forwarded to the leaders of the political parties and the Attorney General of the province of Prince Edward Island.

7. Culture of Life

RESOLVED THAT, each Council within our jurisdiction promote the fact that the Knights of Columbus is unambiguously and proudly pro-life, in accordance with the teachings of the Catholic Church, defending human life from the moment of conception until natural

death, thereby building a *Culture of Life* where every human life is welcomed, respected and protected by law.

8. Child Pornography - Duty to Report

WHEREAS, it is recognized that pornography involving children victimizes the child;

AND WHEREAS, the detection and prosecution of offenders is part of the solution to end this assault on innocent children;

AND WHEREAS, the Government of Ontario has in 2008, passed *An Act to amend the Child and Family Services Act to Protect Ontario's Children*, which provides that individuals who believe they have discovered pornography have a duty to report it to appropriate authorities and the failure to do so constitutes an offence; (a copy of the Act is attached hereto as Appendix 'B'. It received Royal assent on December 10, 2008.)

RESOLVED THAT, the Government of Prince Edward Island be urged to implement similar legislative provisions in our province.

AND Further Resolved, that a copy of this resolution be forwarded to the leaders of the political parties, the Minister of Health, Social Services and Seniors and the Attorney General.

9. Christopher Fund Resolution

WHEREAS, the Supreme Council has established a Matching Fund Program whereby contributions from the Prince Edward Island State Council will be matched by the Supreme Council on a dollar-for-dollar basis, to a maximum of \$5.00 per member in Prince Edward Island, said funds to be contributed to Knights of Columbus Canada Charities, Inc., and the earnings thereon to be paid annually for charitable purposes as established in this resolution;

AND WHEREAS, it is deemed beneficial to charitable programs of the Prince Edward Island State Council to avail itself of such a matching fund program and thereby enter into a cooperative arrangement with the Supreme Council whereby the charities of the Prince Edward Island State Council will receive greater benefits;

NOW, THEREFORE, BE IT RESOLVED, that the 2009 meeting of the Prince Edward Island State Council hereby adopts this resolution so as to re-affirm its participation in the Matching Fund Program proposed by resolution No. 134 adopted at the 1992 Supreme Council Meeting which was agreed to by the Prince Edward Island State Council at the 2007 and 2008 Annual Meeting of the Prince Edward Island State Council;

FURTHER RESOLVED, that the Prince Edward Island State Council shall donate to Knights of Columbus Canada Charities, Inc. Five Hundred Dollars (\$500.00), said monies to be transmitted to Knights of Columbus Canada Charities, Inc. as soon as practicable after the conclusion of the annual meeting.

FURTHER RESOLVED, that we hereby designate the following to be the recipient of the earnings on our portion of the Christopher Fund:

Name: Catholic Family Services Inc.
Address: 129 Pownall Street
PO Box 698
Charlottetown, Prince Edward Island
Canada C1A 7L3

Charitable Tax #: 87579 2905 RR0001



Volunteer Protection Act

CHAPTER 14 OF THE ACTS OF 2002 amended 2003 (2nd Sess.), c. 8

An Act to Limit the Liability of Volunteer Serving Non-profit Organizations

Short title

1 This Act may be cited as the Volunteer Protection Act. 2002, c. 14, s. 1.

Interpretation

2 In this Act,

- (a) "damage" includes both physical and non-physical losses and both economic and non-economic losses;
- (b) "economic loss" means any pecuniary loss resulting from damage, including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs and loss of business or employment opportunities;
- (c) "hospital" means a body designated as a hospital pursuant to the Hospitals Act;
- (d) "municipality" means a municipality as defined in Part XX of the Municipal Government Act;
- (e) "non-economic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, other than loss of domestic service, injury to reputation and all other non-pecuniary losses of any kind or nature;
- (f) "non-profit organization" means any non-profit body corporate or society incorporated under the Societies Act organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, health, sport, recreation, tourism, heritage or culture purposes, and includes a municipality, a school board, a regional library board or a hospital and, for greater certainty, includes each body designated as a non-profit organization by the Governor in Council in the regulations;
- (g) "school board" means a school board as defined in the Education Act;
- (h) "volunteer" means an individual performing services for a non-profit organization who does not receive in respect of those services
 - (i) compensation, other than reasonable reimbursement or allowance for expenses actually incurred, or
 - (ii) money or any other thing of value in lieu of compensation in excess of five hundred dollars per year,and may include a director, officer, trustee or employee of the organization. 2002, c. 14, s. 2.

Limitations on liability

3 (1) Notwithstanding any enactment, no volunteer of a non-profit organization is liable for damage caused by an act or omission of the volunteer on behalf of the organization if

- (a) the volunteer was acting within the scope of the volunteer's responsibilities in the non-profit organization at the time of the act or omission; and
 - (b) the volunteer was properly licensed, certified or authorized, if required by law, by the appropriate authorities for the activities or practice undertaken by the volunteer at the time the damage occurred,
- but the limitations on the liability of a volunteer under this Act do not apply if
- (c) the damage was caused by willful, reckless or criminal misconduct or gross negligence by the volunteer;
 - (d) the damage was caused by the volunteer while operating a motor vehicle, vessel, aircraft or other vehicle for which the owner is required by law to maintain insurance;
 - (e) the act or omission which caused the damage constitutes an offence; or
 - (f) the volunteer was unlawfully using or impaired by alcohol or drugs at the time of the act or omission which caused the damage.

(2) Nothing in this Section affects the liability of any non-profit organization with respect to damage caused to any person, including damage caused by an act or omission of a volunteer of the organization, for which the volunteer is not liable pursuant to subsection (1).

(3) For greater certainty, where damages are awarded against or any amount is paid by a non-profit organization in respect of damage caused by a volunteer of the organization for which the volunteer is not liable pursuant to subsection (1), the organization has no right of recovery against the volunteer. 2002, c. 14, s. 3.

Solicitor-and-client costs

3A Where an action that is brought against a volunteer for damages caused by an act or omission of the volunteer on behalf of a non-profit organization does not result in a judgment against the volunteer, the volunteer is entitled to costs on a solicitor-and-client basis. 2003 (2nd Sess.), c. 8, s. 1.

Application of Act

4 This Act applies to any claim for damage caused by an act or omission of a volunteer where that claim is filed on or after the coming into force of this Act. 2002, c. 14, s. 4.

Regulations

5 (1) The Governor in Council may make regulations

(a) designating any agency, association, board, commission, corporation, office, society or other body as a non-profit organization;

(b) defining any word or expression used but not defined in this Act;

(c) deemed 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. 2002, c. 14, s. 5.

Proclamation

6 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2002, c. 14, s. 6.

Proclaimed - December 20, 2002

In force - January 1, 2003

Appendix 'B'

This version of the Bill: Royal Assent (current version)

2. Bill 37 2008

An Act to amend the Child and Family Services Act to protect Ontario's children

Note: This Act amends the Child and Family Services Act . For the legislative history of the Act, see the Table of Consolidated Public Statutes - Detailed Legislative History on www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the Child and Family Services Act is amended by adding the following definition:

"child pornography" means,

(a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

(i) that shows a child engaged in, or depicted as engaged in, explicit sexual activity, or

(ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ of a child or the anal region of a child,

(b) any written material or visual representation that advocates or counsels sexual activity with a child that would be an offence under the Criminal Code (Canada),

(c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child that would be an offence under the Criminal Code (Canada), or

(d) any audio recording that has as its dominant characteristic, the description, presentation or representation, for a sexual purpose, of sexual activity with a child that would be an offence under the Criminal Code (Canada); ("pornographie juvénile")

2. Clause 37 (2) (c) of the Act is repealed and the following substituted:

(c) the child has been sexually molested or sexually exploited, including by child pornography, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child;

3. (1) Paragraph 3 of subsection 72 (1) of the Act is repealed and the following substituted:

3. The child has been sexually molested or sexually exploited, including by child pornography, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

(2) Section 72 of the Act is amended by adding the following subsections:

Reporting child pornography

(1.1) In addition to the duty to report under subsection (1), any person who reasonably believes that a representation or material is, or might be, child pornography shall promptly report the information to an organization, agency or person designated by a regulation made under clause 216 (c.3).

Seeking out child pornography not required or authorized

(1.2) Nothing in this section requires or authorizes a person to seek out child pornography.

Protection of informant

(1.3) No action lies against a person for providing information in good faith in compliance with subsection (1.1).

Identity of informant

(1.4) Except as required or permitted in the course of a judicial proceeding, in the context of the provision of child welfare services, otherwise by law or with the written consent of an informant, no person shall disclose,

(a) the identity of an informant under subsection (1) or (1.1),

(i) to the family of the child reported to be in need of protection, or

(ii) to the person who is believed to have caused the child to be in need of protection; or

(b) the identity of an informant under subsection (1.1) to the person who possessed or accessed the representation or material that is or might be child pornography.

Retaliation against informant prohibited

(1.5) No person shall dismiss, suspend, demote, discipline, harass, interfere with or otherwise disadvantage an informant under this section.

(3) Subsections 72 (2) and (3) of the Act are repealed and the following substituted:

Ongoing duty to report

(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) or to believe that a representation or material is, or might be, child pornography under subsection (1.1) shall make a further report under subsection (1) or (1.1) even if he or she has made previous reports with respect to the same child.

Person to report directly

(3) A person who has a duty to report under subsection (1) or (2) shall make the report directly to the society, a person who has a duty to report under subsection (1.1) shall make the report directly to any organization, agency or person designated by regulation to receive such reports, and such persons shall not rely on any other person to report on their behalf.

(4) Section 72 of the Act is amended by adding the following subsections:

Same

(4.1) A person is guilty of an offence if the person fails to report information as required under subsection (1.1).

Same

(4.2) A person is guilty of an offence if the person,

(a) discloses the identity of an informant in contravention of subsection (1.4); or

(b) dismisses, suspends, demotes, disciplines, harasses, interferes with or otherwise disadvantages an informant in contravention of subsection (1.5).

(5) Subsection 72 (6.1) of the Act is repealed and the following substituted:

Same

(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) or (4.1) by an employee of the corporation is guilty of an offence.

(6) Subsection 72 (6.2) of the Act is repealed and the following substituted:

Penalty

(6.2) A person convicted of an offence under subsection (4), (4.1), (4.2) or (6.1) is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both.

4. The Act is amended by adding the following section:

Action by organization receiving report of child pornography

72.0.1 (1) An organization, agency or person that obtains information on child pornography under subsection 72 (1.1) shall review the report and, if it reasonably believes that the representation or material is or might be child pornography, it shall report the matter to a society or a law enforcement agency, or to both as necessary.

Annual report

(2) The organization, agency or person shall prepare and submit to the Minister an annual report with respect to its activities and actions relating to information it obtains on child pornography, and the Minister shall submit the report to the Lieutenant Governor in Council and then table the report in the Assembly if it is in session or, if not, at the next session.

5. Section 216 of the Act is amended by adding the following clause:

(c.3) designating one or more organizations, agencies or persons for the purpose of receiving reports of child pornography under subsection 72 (1.1);

Commencement

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. The short title of this Act is the Child Pornography Reporting Act, 2008.

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 37 and does not form part of the law. Bill 37 has been enacted as Chapter 21 of the Statutes of Ontario, 2008.

The following are the main points of the Bill:

1. A definition of "child pornography" is added to parallel the Criminal Code (Canada) definition.
2. There are parallel amendments to clause 37 (2) (c) and subsection 72 (1) to make it clear that sexual exploitation includes by child pornography.
3. Any person who reasonably believes that a representation or material is, or might be, child pornography shall promptly report the information to an organization, agency or person designated by regulation.
4. No person is required to seek out child pornography.
5. It is an offence to fail to report information on child pornography, to provide information on the identity of a person who reports suspicions under subsection 72 (1) of the Act or who reports child pornography and to retaliate against persons who make reports. A person convicted of such an offence is liable to a maximum fine of \$50,000 or to imprisonment of not more than two years, or to both.
6. Organizations, agencies or persons designated by regulation to receive information on child pornography shall inform a society or law enforcement agency if they believe, on the basis of the report, that a representation or other material is, or might be, child pornography.
7. Reporting organizations shall submit an annual report on their activities with respect to information regarding child pornography to the Minister.

