

THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

PART II

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ST. JOHN'S, THURSDAY, NOVEMBER 2, 2023

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 82/23

NLR 83/23



NEWFOUNDLAND AND LABRADOR REGULATION 82/23

*Proclamation bringing the Act into force
(SNL2019 cl-18.1)*

*[In force November 2, 2023]
under*

*Interpersonal Violence Disclosure Protocol Act
(O.C 2023-245)*

(Filed November 1, 2023)

*CHARLES THE THIRD, by the Grace of God
King of Canada and His Other Realms and Territories
Head of the Commonwealth.*

JUDY M. FOOTE
Lieutenant Governor

JOHN HOGAN, K.C.
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING;
A PROCLAMATION

WHEREAS in and by section 10 of An Act Respecting Disclosure of Information under an Interpersonal Violence Disclosure Protocol, Statutes of Newfoundland and Labrador 2019 Chapter I-18.1 (the "Act"), it is provided that the Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that An Act Respecting Disclosure of Information under an Interpersonal Violence Disclosure Protocol, Statutes of

Newfoundland and Labrador 2019 Chapter I-18.1, shall come into force on November 2nd, 2023.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

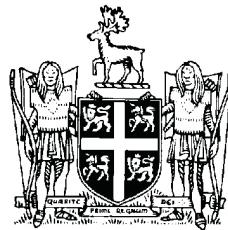
IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Judy M. Foote, Member of Our Privy Council of Canada, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 31st day of October in the year of Our Lord two thousand and twenty-three, in the second year of Our Reign.

BY COMMAND,

JOHN HAGGIE
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 83/23

Interpersonal Violence Disclosure Protocol Regulations
under the
Interpersonal Violence Disclosure Protocol Act
(O.C. 2023-246)

(Filed November 1, 2023)

Under the authority of section 9 of the *Interpersonal Violence Disclosure Protocol Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, October 20, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

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Short title

1. These regulations may be cited as the *Interpersonal Violence Disclosure Protocol Regulations*.

Definitions

2. In these regulations

- (a) "Act" means the *Interpersonal Violence Disclosure Protocol Act*;
- (b) "department" means the department presided over by the minister;
- (c) "interpersonal violence" means actual or threatened acts of violence in an intimate partner relationship that may include a single act of violence or a number of acts forming a pattern of abuse and includes one or more of the following:
 - (i) physical abuse,
 - (ii) sexual abuse,
 - (iii) criminal harassment,
 - (iv) threats to harm children, other family members or pets,
 - (v) property damage,
 - (vi) exerting control over an individual's movements, communications or finances, and
 - (vii) emotional and psychological abuse;
- (d) "intimate partner relationship" means a current or former relationship between 2 people that can be reasonably characterized as being physically or emotionally intimate, or both; and
- (e) "parent" means
 - (i) the father or mother of a child by birth,
 - (ii) a person who has adopted a child under the *Adoption Act, 2013*,
 - (iii) a person having lawful custody of a child, and
 - (iv) a person who has demonstrated a settled intention to treat a child as a child of the person's family, other than under an arrangement where the child is placed in a

foster home for consideration by a person having lawful custody of the child.

Applicants

3. For the purposes of subparagraph 2(a)(ii) of the Act, applicant means

(a) the parent of an individual where

(i) the parent considers that there is a risk of interpersonal violence to the individual, and

(ii) the individual is under 16 years of age; or

(b) the guardian of an individual where

(i) the guardian considers that there is a risk of interpersonal violence to the individual, and

(ii) the individual has been declared to lack capacity by a court of competent jurisdiction.

Disclosure information

4. For the purposes of paragraph 2(b) of the Act, disclosure information means the level of risk of interpersonal violence faced by the applicant or person at risk and may include personal information respecting the person to whom the information relates.

Person at risk

5. For the purposes of paragraph 2(f) of the Act, a person at risk means

(a) an individual who has been determined by a police force to be at risk of interpersonal violence;

(b) the parent of an individual referred to in paragraph (a) where that individual is under 16 years of age; or

(c) the guardian of an individual referred to in paragraph (a) where that individual has been declared to lack capacity by a court of competent jurisdiction.

Application on behalf of applicant

6. For the purposes of subsection 3(2) of the Act, the following individuals or classes of individuals may, with the written consent of the applicant, assist with or make an application on behalf of the applicant in accordance with the Interpersonal Violence Disclosure Protocol:

- (a) an individual selected by the applicant;
- (b) a member as defined in the *Law Society Act, 1999*;
- (c) a member of a police force;
- (d) a medical practitioner as defined in the *Medical Act, 2011*;
- (e) a registered nurse as defined in the *Registered Nurses Act, 2008*;
- (f) a registered psychologist as defined in the *Psychologists Act, 2005*;
- (g) a social worker registered under the *Social Workers Act*;
- (h) a representative of an Indigenous government or organization where the person at risk is Indigenous; or
- (i) a representative of an agency or organization that assists and supports persons at risk.

Protocol adopted

7. (1) For the purposes of the Act and these regulations, the "Interpersonal Violence Disclosure Protocol" prepared by the department dated November 2, 2023, as amended from time to time, is adopted as the Interpersonal Violence Disclosure Protocol.

(2) The minister shall cause the Interpersonal Violence Disclosure Protocol to be made public in a manner that the minister considers appropriate, including publishing it on the department website.

Commencement

8. These regulations come into force on the day that the Act comes into force.

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ST. JOHN'S, THURSDAY, NOVEMBER 2, 2023

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