

NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 106

An Act respecting assistance and compensation for victims of crime

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

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EXPLANATORY NOTES

This bill reforms the rules governing compensation for victims of crime and combines them with the rules governing assistance to victims of crime.

It first sets forth the rights and obligations of victims of crime, and establishes a new compensation scheme which contains rules for determining the persons entitled to benefits and the nature and amount of the benefits. The bill also establishes the procedure to apply and the conditions and terms for the payment of benefits.

The bill provides that in all matters of compensation, the Minister of Justice will have jurisdiction to determine a claimant's right to a benefit and to determine the amount payable. The Minister's decision may, however, be reviewed and appealed from. The Minister may also grant financial assistance, in particular to fund the creation and maintenance of victim assistance centres. He will be assisted in those functions by the Bureau d'aide et d'indemnisation des victimes d'actes criminels, which will be mandated to promote and secure assistance for victims of crime.

The bill also provides that assistance and compensation for victims of crime will be funded by the Fonds d'aide et d'indemnisation des victimes d'actes criminels. As for the compensation scheme, the bill empowers the Government to make any regulations required for its application.

Lastly, the bill amends other legislation, including the Crime Victims Compensation Act and the Act to promote good citizenship, to give effect to the replacement of the current compensation scheme by the scheme proposed in this bill.

ACTS AMENDED OR REPEALED BY THIS BILL:

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Act respecting financial assistance for students (R.S.Q., chapter A-13.3);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Crime Victims Compensation Act (R.S.Q., chapter I-6).

Bill 106

An Act respecting assistance and compensation for victims of crime

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

RIGHTS AND OBLIGATIONS

1. Every person who, directly or indirectly, sustains a physical or mental injury or material loss by reason of an indictable offence committed in Québec is a victim for the purposes of the provisions of this Title.

2. Every victim has the right to be treated with courtesy, fairness and understanding and with respect for his dignity and privacy.

3. To the extent provided for by law, the victim has a right to

(1) reasonable compensation for expenses incurred in order to testify;

(2) prompt and fair redress or compensation for the injury sustained;

(3) the return of any seized property as soon as possible where its detention is no longer required for the purposes of justice;

(4) present and have due consideration given to his views and concerns at every appropriate stage of judicial proceedings, where his personal interests are affected.

4. The victim also has the right to be informed, as fully as possible,

(1) of his rights and the recourses available to him;

(2) of his role in the criminal justice process, his participation in criminal proceedings and, on request, of the progress and outcome of the case;

(3) of the availability of health services and social services or other appropriate support or prevention services through which he may obtain such medical, psychological and social care or assistance as he may require.

5. On request, the victim has the right to be informed, as far as possible and if not inconsistent with the public interest, of the progress and outcome of the police investigation.

6. The victim has a right, insofar as resources are available,

(1) to such medical, psychological and social care or assistance as may be required by his state and to such other support services as may be appropriate for his needs for shelter and assistance or for referral to other services better able to provide him with assistance;

(2) to protection against acts of intimidation and retaliation.

7. It is incumbent upon a victim of a crime to cooperate, as far as possible, with the law enforcement authorities in connection with the indictable offence of which he is the victim.

8. The provisions of this Title which give rise to rights and obligations apply whether or not the person who committed the offence is identified, prosecuted or convicted.

TITLE II

COMPENSATION

CHAPTER I

GENERAL PROVISIONS

9. The following persons are entitled to receive the indemnities, reimbursement of expenses and rehabilitation services referred to in this Title, in accordance with the prescribed conditions:

(1) a victim who sustains physical or mental injury

(a) resulting directly from the commission in Québec of an indictable offence listed in Schedule I;

(b) while arresting or attempting to arrest, in good faith, an offender or suspected offender, in Québec, or while assisting a peace officer making an arrest in Québec;

(c) while preventing or attempting to prevent, in good faith, the commission in Québec of an offence or suspected offence, or while assisting a peace officer preventing or attempting to prevent the commission in Québec of an offence or suspected offence;

(d) resulting directly from an act or omission by a person acting in the circumstances described in subparagraph *b* or *c*;

(2) a person acting in the circumstances described in subparagraph *b* or *c* of paragraph 1 who sustains damage to his property;

(3) the victim's close relatives;

(4) where the victim dies, his spouse or dependants;

(5) the person who paid the funeral expenses or the expenses for transportation of the remains of the victim.

10. A pregnancy which results from a sexual act mentioned in section 151, 152, 153 or 155 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or from sexual assault within the meaning of section 271, 272 or 273 of that Code constitutes an injury.

11. The benefits provided for in this Title may not be granted

(1) where the victim sustains an injury in circumstances in which the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), any other Act concerning compensation for victims of industrial accidents, the Automobile Insurance Act (R.S.Q., chapter A-25) or the Crime Victims Compensation Act (R.S.Q., chapter I-6) applies;

(2) where the victim was a party to the offence or, through gross fault, contributed to the realization of the injury;

(3) to a claimant who was a party to the offence or who, through gross fault, contributed to the realization of the injury;

(4) where the claimant did not, within a reasonable time, report the offence to the police authorities or the situation to the director of

youth protection, unless his failure to do so was justified by a serious reason or unless the offence had already been reported;

(5) to a claimant who, before submitting a claim, did not cooperate with the competent legal authorities in respect of the inquiry or the proceedings, unless his failure to cooperate was justified by a serious reason.

12. Where a person instituted civil proceedings and the amount awarded and collected as a result thereof is less than the amount of benefits he would have obtained under this Title, the person may invoke this Title to claim the difference by notifying the Minister of Justice and filing his application within one year from the date of the final judgment.

13. Where the person elects to avail himself of the provisions of this Title, any agreement reached between the parties respecting civil proceedings or the right to institute such proceedings is null and void until ratified by the Minister. The terms and conditions of payment of the amount agreed upon or awarded are determined by the Minister.

14. Nothing in this Title shall affect the right of a claimant to recover from the person responsible for the injury sustained the amounts required to make up, with the benefits, an amount equivalent to the loss actually sustained.

15. Where the Minister decides to compensate the claimant, he is subrogated by operation of law to the rights of the claimant up to the amount he may be called upon to pay him and may, in his own name or in the name and stead of the claimant, continue or institute civil proceedings.

16. Benefits provided for in this Title may be awarded whether or not the person who committed the offence has been identified, prosecuted or convicted.

17. A person legally incapable of forming criminal intent is, for the purposes of this Title, deemed to be capable of forming such intent.

18. If a person is convicted of an indictable offence listed in Schedule I, conviction or discharge under section 736 of the Criminal Code shall, once it has acquired the authority of a final judgment (*res judicata*), constitute conclusive proof of the commission of the offence.

19. Any hypothec on or transfer of the right to any benefit under this Title is null by operation of law.

The claimant has a right of recovery against any person who receives all or part of an amount of the benefit under such a hypothec or transfer.

CHAPTER II

INCOME REPLACEMENT INDEMNITY AND INDEMNITY FOR DEFERRED STUDIES

DIVISION I

PRELIMINARY PROVISION

20. The income replacement indemnity provided for in this chapter does not apply in the case of a victim who is ordinarily unable to hold employment for any reason whatsoever, other than a reason related to his age.

DIVISION II

ENTITLEMENT

§ 1.—*Victim holding full-time employment*

21. A victim other than a victim to whom section 33 or 41 applies who, on the date of the manifestation of the injury, ordinarily holds employment on a full-time basis is entitled to an income replacement indemnity if he becomes unable to hold such employment.

The Government shall, by regulation, determine the cases in which and the conditions on which employment is considered to be full-time, part-time or temporary.

22. The income replacement indemnity is computed on the basis of the gross income

(1) that the victim derives from the employment he holds as a salaried worker;

(2) that the Government determines by regulation for employment of the same class as that held by the victim as a self-employed worker, or on the basis of the gross income he derives as a self-employed worker, if it is higher.

A victim who, although entitled thereto, is also deprived of unemployment insurance benefits paid under the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1) or allowances paid under the National Training Act (Revised Statutes of Canada, 1985, chapter N-19) is entitled to an additional indemnity computed on the basis of the benefits or allowances that would have been paid to him. Such benefits or allowances are deemed to form part of his gross income.

23. A victim who ordinarily holds more than one employment, including at least one full-time employment, is entitled to an income replacement indemnity if he becomes unable to hold one of his employments.

The indemnity is computed, in accordance with the provisions of section 22, on the basis of the gross income the victim derives from the employment or employments he becomes unable to hold.

24. A victim who proves that he would have held more remunerative employment but for special circumstances is entitled, if he becomes unable to hold such employment, to an income replacement indemnity computed on the basis of the gross income, determined by regulation of the Government, that he would have derived from that employment.

The employment must be regular full-time employment that would have been compatible with the training, experience and physical and intellectual abilities of the victim.

§ 2.—*Victim holding temporary or part-time employment*

25. A victim other than a victim to whom section 33 or 41 applies and who, on the date of the manifestation of the injury, ordinarily holds employment on a temporary or part-time basis is entitled, if he becomes unable to hold that employment, to an income replacement indemnity for the first 180 days following that date.

During that period, the victim is entitled to the indemnity for such time as he remains unable to hold such employment.

26. The income replacement indemnity is computed on the basis of the gross income

(1) that the victim derives from the employment he holds as a salaried worker;

(2) that the Government determines by regulation for employment of the same class as that held by the victim as a self-employed worker or on the basis of the gross income he derives as a self-employed worker, if it is higher;

(3) that the victim who holds more than one employment derives from the employment or employments he becomes unable to hold.

A victim who, although entitled thereto, is also deprived of unemployment insurance benefits paid under the Unemployment Insurance Act or allowances paid under the National Training Act is entitled to an additional indemnity computed on the basis of the benefits or allowances that would have been paid to him. Such benefits or allowances are deemed to form part of his gross income.

27. The Minister shall, from the one hundred and eighty-first day following the date of the manifestation of the injury, determine employment for the victim in accordance with the provisions of section 52.

The victim is entitled to an income replacement indemnity if he is unable to hold the employment determined by the Minister.

The indemnity is computed on the basis of the gross income the victim would have derived from the employment determined for him by the Minister. The Minister shall establish the gross income of the victim in the manner prescribed by regulation of the Government, taking into account

(1) the fact that the victim could have held the employment on a full-time or part-time basis;

(2) the work experience of the victim in the five years preceding the date of the manifestation of the injury and, where applicable, the periods during which he was fit to hold employment or was unemployed or held only temporary or part-time employment;

(3) the gross income of the victim derived from employment held before the date of the manifestation of the injury.

If the victim held more than one temporary or part-time employment, the Minister shall determine only one employment for him in accordance with the provisions of section 52.

The manner of reducing the gross income to take account of the fact that the victim holds part-time employment shall be established by regulation of the Government.

28. The income replacement indemnity computed in accordance with the provisions of section 27 shall not be less than any income replacement indemnity the victim was receiving at the end of the one hundred and eightieth day following the date of the manifestation of the injury.

§ 3.—*Victim unemployed but able to work*

29. A victim other than a victim to whom section 33 or 41 applies and who, on the date of the manifestation of the injury, is ordinarily unemployed even though able to work is entitled to an income replacement indemnity for the first 180 days following that date if

(1) he becomes unable to hold the employment he could have held had he not sustained the injury;

(2) he is, although entitled thereto, deprived of unemployment insurance benefits paid under the Unemployment Insurance Act or allowances paid under the National Training Act.

During that period, the victim is entitled to the indemnity, in the case described in subparagraph 1 of the first paragraph, for such time as the employment would have been available and for such time as he is unable to hold it or, in the case described in subparagraph 2 of the first paragraph, for such time as he is deprived of the benefits or allowances.

If, however, both subparagraphs 1 and 2 of the first paragraph apply, the victim cannot receive the two indemnities to which the situations described therein give rise, but shall receive the greater of the two for as long as the situation prevails.

30. The indemnity to which a victim to whom subparagraph 1 of the first paragraph of section 29 applies is entitled shall be computed on the basis of the gross income derived from the employment he would have held.

The indemnity to which a victim to whom subparagraph 2 of the first paragraph of section 29 applies is entitled shall be computed on the basis of the benefits or allowances that would have been paid to him. Such benefits or allowances are considered to be his gross income.

31. The Minister shall, from the one hundred and eighty-first day following the date of the manifestation of the injury, determine employment for the victim in accordance with the provisions of section 52.

The victim is entitled to an income replacement indemnity if he is unable to hold the employment determined by the Minister.

The indemnity is computed in accordance with the provisions of the third paragraph of section 27 and shall not be less than any indemnity the victim was receiving at the end of the one hundred and eightieth day following the date of the manifestation of the injury.

§ 4.—*Victim under 16 years of age*

32. For the purposes of this subdivision,

(1) a school year begins on 1 July in one year and ends on 30 June in the following year;

(2) the elementary level extends from kindergarten to the sixth grade.

33. A victim who is under 16 years of age on the date of the manifestation of the injury is entitled to an indemnity for deferred studies if he becomes unable to begin or continue his studies.

He remains entitled to the indemnity until the end of the school year or term in which he reaches 16 years of age, for such time as he remains unable to begin or continue his studies.

34. The amount of the indemnity for deferred studies shall be

(1) \$3 386 for every school year missed at the elementary level;

(2) \$6 208 for every school year missed at the secondary level;

(3) \$6 208 for every term missed at the post-secondary level, up to \$12 416 per year.

35. A victim is entitled to an income replacement indemnity for such time as he is, although entitled thereto, deprived of unemployment insurance benefits paid under the Unemployment Insurance Act.

The indemnity is computed on the basis of the benefits that would have been paid to him. Such benefits are considered to form part of his gross income.

36. A victim who also holds or would have held employment is entitled to an income replacement indemnity if he becomes unable to hold that employment.

The victim is entitled to the indemnity for such time as the employment would have been available and for such time as he is unable to hold it.

A victim entitled to an income replacement indemnity under this section and under section 38 or section 39 cannot receive both indemnities but shall receive the greater of the two for as long as the situation prevails.

37. The income replacement indemnity is computed on the basis of the gross income

(1) that the victim derives or would have derived from the employment he holds or would have held as a salaried worker;

(2) that the Government determines by regulation for employment of the same class as that which the victim holds or would have held as a self-employed worker, or on the basis of the gross income he derives or would have derived as a self-employed worker, if it is higher;

(3) that the victim who holds or would have held more than one employment derives or would have derived from the employment or employments he becomes unable to hold.

The manner of reducing the gross income to take account of the fact that the victim holds part-time employment shall be established by regulation of the Government.

38. A victim who, from the end of the school year or term in which he reaches 16 years of age, remains unable to begin or continue his studies and to hold employment is entitled to an income replacement indemnity for such time as the situation prevails.

The indemnity is computed on the basis of a gross income equal to a yearly average established on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the end of the school year in which the victim reaches 16 years of age.

39. A victim who resumes his studies and who, after completing or ending them, is unable to hold any employment is entitled to an indemnity from the date of the end of his studies and for such time as he remains unable to hold employment.

If his studies end before the date envisaged for completion, the victim is entitled,

(1) until the date envisaged for completion of his studies, to an indemnity for deferred studies of

(a) \$3 386 for every school year not completed at the elementary level;

(b) \$6 208 for every school year not completed at the secondary level;

(c) \$6 208 for every term not completed at the post-secondary level, up to \$12 416 per year;

(2) from the date envisaged for completion of his studies, to the income replacement indemnity provided for in the third paragraph.

If his studies end after that date, the victim is entitled to an income replacement indemnity computed on the basis of a gross income equal to a yearly average established on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the date on which the studies end.

§ 5.—*Victim 16 years of age or over in full-time attendance at an educational institution*

40. For the purposes of this subdivision,

(1) current studies are studies forming part of a program of studies at the secondary or post-secondary level to which, on the date of the manifestation of the injury, the victim has been admitted in order to begin or continue at an educational institution;

(2) a victim is considered to be in full-time attendance at an educational institution providing courses at the secondary or post-secondary level from such time as he is admitted by the institution as a full-time student in a program of that level, until such time as he completes the last term, abandons his studies or no longer meets the requirements for continuing his studies set by the institution he is attending, whichever occurs first.

41. A victim who, on the date of the manifestation of the injury, is 16 years of age or over and in full-time attendance at a secondary or post-secondary educational institution is entitled to an indemnity for deferred studies if he becomes unable to begin or continue his studies.

He is entitled to the indemnity until the date envisaged for completion of his current studies, for such time as he remains unable to begin or continue his studies.

42. The amount of the indemnity for deferred studies shall be

(1) \$6 208 for every school year missed at the secondary level;

(2) \$6 208 for every term missed at the post-secondary level, up to \$12 416 per year.

43. A victim is entitled to an income replacement indemnity for such time as he is, although entitled thereto, deprived of unemployment insurance benefits paid under the Unemployment Insurance Act or allowances paid under the National Training Act.

The indemnity is computed on the basis of the benefits or allowances that would have been paid to him. Such benefits or allowances are considered to be his gross income.

44. A victim who also holds or would have held employment is entitled to an income replacement indemnity if he becomes unable to hold that employment.

The victim is entitled to the indemnity for such time as the employment would have been available and for such time as he remains unable to hold it.

The indemnity is computed in accordance with the provisions of section 37.

A victim entitled to an income replacement indemnity under this section and under section 45 or section 46 cannot receive both indemnities but shall receive the greater of the two for as long as the situation prevails.

45. A victim who, after the date envisaged for completion of his current studies, remains unable to begin or continue the studies and unable to hold employment is entitled to an income replacement indemnity for such time as the situation prevails.

The indemnity is computed on the basis of a gross income equal to a yearly average computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the anticipated date for completion of the studies.

46. A victim who resumes his studies and who, after completing or ending them, is unable to hold employment is entitled to an indemnity from the date of the end of his studies and for such time as he remains unable to hold any employment.

If his studies end before the date envisaged for completion, the victim is entitled,

(1) until the date envisaged for completion of his studies, to an indemnity for deferred studies of

(a) \$6 208 for every school year not completed at the secondary level;

(b) \$6 208 for every term not completed at the post-secondary level, up to \$12 416 per year;

(2) from the date envisaged for completion of his studies, to the income replacement indemnity provided for in the third paragraph.

If his studies end after that date, the victim is entitled to an income replacement indemnity computed on the basis of a gross income equal to a yearly average established on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year which precedes the date on which the studies end.

§ 6.—*Victim 64 years of age or over*

47. Where a victim is 64 years of age or over on the date of the manifestation of the injury, the income replacement indemnity to which he is entitled is reduced by 25% on the date which occurs one year after that date, by 50% on the date which occurs two years after that date and by 75% on the date which occurs three years after that date.

The victim ceases to be entitled to the indemnity on the date which occurs four years after the date of the manifestation of the injury.

48. A victim who, on the date of the manifestation of the injury, is 65 years of age or over and does not hold employment is not entitled to an income replacement indemnity.

49. Notwithstanding section 48, a victim who, on the date of the manifestation of the injury, is 65 years of age or over is entitled to an income replacement indemnity for the first 180 days after that date if

(1) he becomes unable to hold employment that he could have held during that period;

(2) he is, although entitled thereto, deprived of unemployment insurance benefits paid under the Unemployment Insurance Act or allowances paid under the National Training Act.

During that period, the victim is entitled to the indemnity, in the case described in subparagraph 1 of the first paragraph, for such time as the employment would have been available and for such time as he is unable to hold it and, in the case described in subparagraph 2 of the first paragraph, for such time as he is deprived of the benefits or allowances.

If, however, both subparagraphs 1 and 2 of the first paragraph apply, the victim cannot receive the two indemnities to which the situations described therein give rise, but shall receive the greater of the two for as long as the situation prevails.

From the one hundred and eighty-first day after the date of the manifestation of the injury, the victim is entitled to an income replacement indemnity computed in accordance with the provisions of sections 27 and 28, subject to section 47.

50. The indemnity to which a victim to whom subparagraph 1 of the first paragraph of section 49 applies is entitled shall be computed on the basis of the gross income derived from the employment he would have held.

The indemnity to which a victim to whom subparagraph 2 of the first paragraph of section 49 applies is entitled shall be computed on the basis of the benefits or allowances that would have been paid to him. Such benefits or allowances are considered to be his gross income.

51. The income replacement indemnity received by a victim is reduced by 25% when he reaches 65 years of age, by 50% when he reaches 66 years of age and by 75% when he reaches 67 years of age.

The victim ceases to be entitled to such an indemnity when he reaches 68 years of age.

DIVISION III

DETERMINATION OF EMPLOYMENT FOR A VICTIM

52. Where the Minister determines employment for a victim from the one hundred and eighty-first day following the date of the

manifestation of the injury, he shall take into account, in addition to the standards, terms and conditions prescribed by regulation of the Government, the training, work experience and physical and intellectual abilities of the victim on the date of the manifestation of the injury.

The employment must be one which the victim could ordinarily have held on a full-time or, failing that, a part-time basis.

53. From the date which occurs two years after the date of the manifestation of the injury, the Minister may determine an employment for a victim able to work but who, because of his injury, has become unable to hold

(1) employment referred to in section 21 or section 23;

(2) employment referred to in section 24;

(3) employment determined for him by the Minister in accordance with the provisions of section 52.

54. The Minister may, from the date envisaged for completion of the current studies of a victim to whom subdivisions 4 and 5 of Division II apply, determine employment for that victim if he is able to work but, because of his injury, has become unable to hold employment for which the gross income is equal to or greater than the gross income that would have applied to him under section 38, 39, 45 or 46, as the case may be, if he had become unable to hold any employment.

55. In determining employment for a victim in accordance with the provisions of section 53 or 54, the Minister shall, in addition to the standards, terms and conditions prescribed by regulation pursuant to section 52, take the following factors into account:

(1) the training, work experience and physical and intellectual abilities of the victim at the time the Minister determines employment for him;

(2) where applicable, the knowledge and skills acquired by the victim through a rehabilitation program approved by the Minister.

The employment, in accordance with the regulation of the Government, must be one that exists in the region in which the victim resides and that he is ordinarily able to hold on a full-time or, failing that, on a part-time basis.

DIVISION IV

END OF ENTITLEMENT TO INCOME REPLACEMENT INDEMNITY

56. A victim ceases to be entitled to an income replacement indemnity

(1) when he becomes able to hold the employment he ordinarily held;

(2) when he becomes able to hold the employment he would have held but for special circumstances;

(3) when he becomes able to hold the employment determined for him by the Minister in accordance with the provisions of section 52;

(4) one year after becoming able to hold the employment determined for him by the Minister in accordance with the provisions of section 53 or 54;

(5) when he holds employment from which he derives a gross income equal to or greater than the gross income on the basis of which the Minister has computed the income replacement indemnity;

(6) at any time fixed by a provision of Division I of this chapter which differs from the times provided for in paragraphs 1 to 4; or

(7) upon death.

57. Notwithstanding paragraphs 1 to 3 of section 56, a victim who ordinarily held a full-time or part-time employment continues to be entitled to the income replacement indemnity even when he again becomes able to hold his employment if he lost it by reason of the injury sustained.

The indemnity shall continue to be paid to the victim after he again becomes able to hold his employment for a period of

(1) 30 days if the victim's incapacity lasted for not less than 90 days but not more than 180 days;

(2) 90 days if the incapacity lasted for more than 180 days but not more than one year;

(3) 180 days if the incapacity lasted for more than one year but not more than two years; or

(4) one year if the incapacity lasted for more than two years.

DIVISION V

COMPUTATION OF INDEMNITY

58. The income replacement indemnity of a victim to whom this chapter applies is equal to 90% of his net income computed on a yearly basis.

However, subject to sections 47, 51, 62 and 63, the income replacement indemnity of a victim who ordinarily held full-time employment, or of a victim for whom the Minister determines employment from the one hundred and eighty-first day following the date of the manifestation of the injury, in accordance with the provisions of section 52, shall not be less than the indemnity that would be computed on the basis of a gross annual income determined on the basis of the minimum wage as defined in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, chapter N-1.1, r.3) and, except in the case of a part-time employment, on the basis of the regular workweek as defined in section 52 of the Act respecting labour standards (R.S.Q., chapter N-1.1), as they read on the day on which they are applied.

59. The net income of the victim is equal to his gross yearly employment income up to the amount of the Maximum Yearly Insurable Earnings less an amount equivalent to the income tax determined under the Taxation Act (R.S.Q., chapter I-3) and the Income Tax Act (Statutes of Canada, 1970-71-72, chapter 63), the premium determined under the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1) and the contribution determined under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), all of which are computed in accordance with the method determined by regulation of the Government.

The Acts mentioned in the first paragraph apply as they read on 31 December of the year preceding that for which the Minister makes the computation of net income under this chapter.

60. For the purposes of the deductions under section 59, the Minister shall take into account whether or not the victim, on the date of the manifestation of the injury, has a spouse, and the number of his dependants within the meaning of section 73.

61. For the year 1993, the amount of the Maximum Yearly Insurable Earnings is \$46 500.

For the year 1994 and each subsequent year, the amount of the Maximum Yearly Insurable Earnings is obtained by multiplying the

Maximum for the year 1993 by the ratio between the sum of the average of weekly salaries and wages of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year preceding the year for which the amount of the Maximum Yearly Insurable Earnings is computed and the same sum for each of the 12 months preceding 1 July 1992.

The amount of the Maximum Yearly Insurable Earnings shall be rounded off to the next highest \$500 and is applicable for one year from 1 January of each year.

For the purposes of this section, the Minister shall use the data furnished by Statistics Canada as of 1 October of the year preceding the year for which the amount of the Maximum Yearly Insurable Earnings is computed.

If, on 1 October in any year, the data furnished by Statistics Canada are incomplete, the Minister may use the data available at that time to determine the Maximum Yearly Insurable Earnings.

If Statistics Canada uses a new method to determine the average of weekly salaries and wages, the Minister shall adjust the computation of the amount of the Maximum Yearly Insurable Earnings in relation to the evolution of the average of weekly salaries and wages from 1 January of the year following the change of method.

62. If the victim becomes able to hold employment determined for him by the Minister in accordance with section 53 or 54 and if, by reason of his injury, he can derive from that employment only a gross income that is less than the income used by the Minister as the basis for computing the income replacement indemnity he was receiving before the determination of that employment, the victim is entitled, at the expiry of the year referred to in paragraph 4 of section 56, to an income replacement indemnity equal to the difference between the indemnity he was receiving at the time the Minister determined the employment for him and the net income he could derive from the employment determined by the Minister.

63. Where a victim who is entitled to an income replacement indemnity holds employment from which he derives a gross income that is less than the income used by the Minister as the basis for computing the income replacement indemnity, such indemnity shall be reduced by 75% of the net income derived from the employment.

This section does not apply in the case of an indemnity reduced in accordance with the provisions of section 62.

64. If the victim suffers a relapse of his injury within two years after the end of the last period of incapacity for which he was entitled to an income replacement indemnity or, if he was not entitled to such an indemnity, within two years after the date of the manifestation of the injury, he shall receive compensation from the date of the relapse as though his incapacity had not been interrupted.

If, however, the indemnity computed on the basis of the gross income actually earned by the victim at the time of the relapse is greater than the indemnity to which the victim would be entitled under the first paragraph, the victim shall receive the greater of the two.

If the victim suffers a relapse more than two years after the time indicated in the first paragraph, he shall receive compensation as if the relapse were another injury.

65. The income replacement indemnity mentioned in the first paragraph of section 64 does not include the indemnity referred to in either section 62 or section 63.

66. A victim receiving an income replacement indemnity other than an indemnity referred to in section 57, 62 or 63 and who claims another such indemnity following a relapse or another injury cannot receive both indemnities.

He shall, however, receive the greater of the indemnities to which he is entitled.

CHAPTER III

COMPENSATION FOR LOSS OF PHYSICAL OR MENTAL INTEGRITY

67. A victim who suffers permanent physical or mental impairment is entitled to a lump sum indemnity the amount of which is equal to the product obtained by multiplying the maximum amount referred to in section 72, that is applicable to the victim on the date of the manifestation of the injury, by the percentage determined for the permanent injury sustained.

68. For the purposes of this chapter, a permanent anatomicophysiological deficit or permanent disfigurement constitutes a permanent impairment.

69. The lump sum indemnity is not payable if the victim dies.

If, however, the death of the victim does not result from the injury he has sustained and if, on the date of his death, a permanent impairment was medically discernable, the Minister shall estimate the amount of compensation that he would probably have awarded to the victim and pay that amount to the victim's succession.

70. The Minister shall evaluate the impairment in terms of a percentage determined on the basis of the schedule of permanent impairments established by regulation of the Government. The percentage shall include the loss of enjoyment of life and other unfavourable consequences of the impairment and shall not exceed 100%.

If an impairment is not listed in the schedule, a percentage shall be determined for it, using as guidelines the impairments of a similar nature that are listed.

71. Where the victim sustains more than one permanent impairment, the Minister shall evaluate each impairment in terms of a reduced percentage using the method of calculation determined by regulation of the Government.

If the permanent impairment affects symmetrical organs, or an organ symmetrical to one already impaired, the Minister shall grant an additional percentage determined in accordance with the regulation of the Government on the basis of the anatomical or functional nature of the impairment.

72. The lump sum indemnity shall not be less than \$564 or greater than \$127 250.

CHAPTER IV

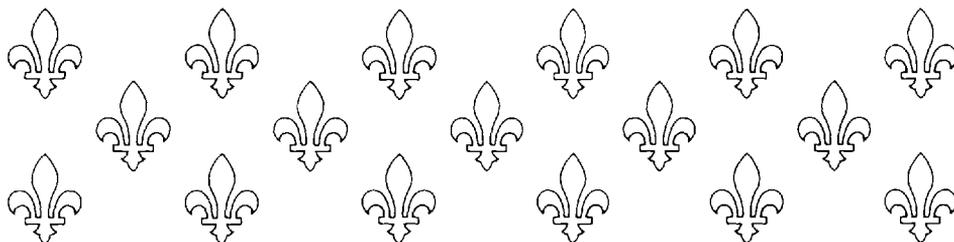
DEATH BENEFIT

DIVISION I

INTERPRETATION AND APPLICATION

73. In this chapter, unless the context indicates otherwise,

“Spouse” means the man or woman who, on the date of the victim's death, is married to and lives with the victim or who, for at least three years or for at least one year if a child has been born or is to be born of their union, has been living in a *de facto* union with the victim and has been publicly represented as the spouse of the victim;



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 106

An Act respecting assistance and compensation for victims of crime

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill reforms the rules governing compensation for victims of crime and combines them with the rules governing assistance to victims of crime.

It first sets forth the rights and obligations of victims of crime, and establishes a new compensation scheme which contains rules for determining the persons entitled to benefits and the nature and amount of the benefits. The bill also establishes the procedure to apply and the conditions and terms for the payment of benefits.

The bill provides that in all matters of compensation, the Minister of Justice will have jurisdiction to determine a claimant's right to a benefit and to determine the amount payable. The Minister's decision may, however, be reviewed and appealed from. The Minister may also grant financial assistance, in particular to fund the creation and maintenance of victim assistance centres. He will be assisted in those functions by the Bureau d'aide et d'indemnisation des victimes d'actes criminels, which will be mandated to promote and secure assistance for victims of crime.

The bill also provides that assistance and compensation for victims of crime will be funded by the Fonds d'aide et d'indemnisation des victimes d'actes criminels. As for the compensation scheme, the bill empowers the Government to make any regulations required for its application.

Lastly, the bill amends other legislation, including the Crime Victims Compensation Act and the Act to promote good citizenship, to give effect to the replacement of the current compensation scheme by the scheme proposed in this bill.

ACTS AMENDED OR REPEALED BY THIS BILL:

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Act respecting financial assistance for students (R.S.Q., chapter A-13.3);
 - Automobile Insurance Act (R.S.Q., chapter A-25);
 - Act to promote good citizenship (R.S.Q., chapter C-20);
 - Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
 - Crime Victims Compensation Act (R.S.Q., chapter I-6).

Bill 106

An Act respecting assistance and compensation for victims of crime

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

RIGHTS AND OBLIGATIONS

1. Every person who, directly or indirectly, sustains a physical or mental injury or material loss by reason of an indictable offence committed in Québec is a victim for the purposes of the provisions of this Title.

2. Every victim has the right to be treated with courtesy, fairness and understanding and with respect for his dignity and privacy.

3. To the extent provided for by law, the victim has a right to

(1) reasonable compensation for expenses incurred in order to testify;

(2) prompt and fair redress or compensation for the injury sustained;

(3) the return of any seized property as soon as possible where its detention is no longer required for the purposes of justice;

(4) present and have due consideration given to his views and concerns at every appropriate stage of judicial proceedings, where his personal interests are affected.

4. The victim also has the right to be informed, as fully as possible,

(1) of his rights and the recourses available to him;

(2) of his role in the criminal justice process, his participation in criminal proceedings and, on request, of the progress and outcome of the case;

(3) of the availability of health services and social services or other appropriate support or prevention services through which he may obtain such medical, psychological and social care or assistance as he may require.

5. On request, the victim has the right to be informed, as far as possible and if not inconsistent with the public interest, of the progress and outcome of the police investigation.

6. The victim has a right, insofar as resources are available,

(1) to such medical, psychological and social care or assistance as may be required by his state and to such other support services as may be appropriate for his needs for shelter and assistance or for referral to other services better able to provide him with assistance;

(2) to protection against acts of intimidation and retaliation.

7. It is incumbent upon a victim of a crime to cooperate, as far as possible, with the law enforcement authorities in connection with the indictable offence of which he is the victim.

8. The provisions of this Title which give rise to rights and obligations apply whether or not the person who committed the offence is identified, prosecuted or convicted.

TITLE II

COMPENSATION

CHAPTER I

GENERAL PROVISIONS

9. The following persons are entitled to receive the indemnities, reimbursement of expenses and rehabilitation services referred to in this Title, in accordance with the prescribed conditions:

(1) a victim who sustains physical or mental injury

(a) resulting directly from the commission in Québec of an indictable offence listed in Schedule I;

(b) while arresting or attempting to arrest, in good faith, an offender or suspected offender, in Québec, or while assisting a peace officer making an arrest in Québec;

(c) while preventing or attempting to prevent, in good faith, the commission in Québec of an offence or suspected offence, or while assisting a peace officer preventing or attempting to prevent the commission in Québec of an offence or suspected offence;

(d) resulting directly from an act or omission by a person acting in the circumstances described in subparagraph *b* or *c*;

(2) a person acting in the circumstances described in subparagraph *b* or *c* of paragraph 1 who sustains damage to his property;

(3) the victim's close relatives;

(4) where the victim dies, his spouse or dependants;

(5) the person who paid the funeral expenses or the expenses for transportation of the remains of the victim.

10. A pregnancy which results from a sexual act mentioned in section 151, 152, 153 or 155 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or from sexual assault within the meaning of section 271, 272 or 273 of that Code constitutes an injury.

11. The benefits provided for in this Title may not be granted

(1) where the victim sustains an injury in circumstances in which the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), any other Act concerning compensation for victims of industrial accidents, the Automobile Insurance Act (R.S.Q., chapter A-25) or the Crime Victims Compensation Act (R.S.Q., chapter I-6) applies;

(2) where the victim was a party to the offence or, through gross fault, contributed to the realization of the injury;

(3) to a claimant who was a party to the offence or who, through gross fault, contributed to the realization of the injury;

(4) where the claimant did not, within a reasonable time, report the offence to the police authorities or the situation to the director of

youth protection, unless his failure to do so was justified by a serious reason or unless the offence had already been reported;

(5) to a claimant who, before submitting a claim, did not cooperate with the competent legal authorities in respect of the inquiry or the proceedings, unless his failure to cooperate was justified by a serious reason.

12. Where a person instituted civil proceedings and the amount awarded and collected as a result thereof is less than the amount of benefits he would have obtained under this Title, the person may invoke this Title to claim the difference by notifying the Minister of Justice and filing his application within one year from the date of the final judgment.

13. Where the person elects to avail himself of the provisions of this Title, any agreement reached between the parties respecting civil proceedings or the right to institute such proceedings is null and void until ratified by the Minister. The terms and conditions of payment of the amount agreed upon or awarded are determined by the Minister.

14. Nothing in this Title shall affect the right of a claimant to recover from the person responsible for the injury sustained the amounts required to make up, with the benefits, an amount equivalent to the loss actually sustained.

15. Where the Minister decides to compensate the claimant, he is subrogated by operation of law to the rights of the claimant up to the amount he may be called upon to pay him and may, in his own name or in the name and stead of the claimant, continue or institute civil proceedings.

16. Benefits provided for in this Title may be awarded whether or not the person who committed the offence has been identified, prosecuted or convicted.

17. A person legally incapable of forming criminal intent is, for the purposes of this Title, deemed to be capable of forming such intent.

18. If a person is convicted of an indictable offence listed in Schedule I, conviction or discharge under section 736 of the Criminal Code shall, once it has acquired the authority of a final judgment (*res judicata*), constitute conclusive proof of the commission of the offence.

111. A claim filed before the expiry of the prescription period interrupts prescription in favour of the claimant or in favour of the Minister where he is subrogated to the rights of the claimant, until a final decision is rendered on the claim.

112. At the request of the Minister, a claimant shall undergo an examination by a health professional within the meaning of the Health Insurance Act (R.S.Q., chapter A-29). The examination shall be carried out, at the expense of the Minister, by the health professional chosen by the claimant.

113. Where he considers it necessary, the Minister may, at his expense, require a claimant to undergo an examination by a health professional designated by the Minister.

The examination shall be conducted in accordance with the rules determined by regulation of the Government.

114. A claimant who undergoes the examination referred to in section 112 or 113 is entitled, in the cases and on the conditions determined by regulation of the Government, to be reimbursed for the travel and lodging expenses incurred in connection with the examination, up to the amount determined by regulation.

The person who accompanies or escorts a claimant whose physical or mental condition or age requires, that he be accompanied or escorted when undergoing such an examination is entitled, in the cases and on the conditions determined by regulation of the Government, to an availability allowance and to be reimbursed for the travel and lodging expenses he incurs, up to the amount determined by regulation.

115. The health professional who examines a claimant at the request of the Minister shall make a report to the Minister on the state of health of the claimant and on any other matter for which the examination was required.

The Minister, on receiving the report, shall send a copy to the health professional designated by the claimant.

116. The claimant must notify the Minister forthwith of any change in his situation affecting his right to an indemnity or which may affect the amount of the indemnity.

117. The claimant must provide the Minister with any relevant information required for the purposes of this Title or give the authorizations needed to obtain it.

The claimant must provide the Minister with proof of any fact establishing that the injury sustained resulted from one of the circumstances described in paragraph 1 of section 9.

118. The Minister may refuse to grant a benefit in the following cases:

(1) where the victim, by participating in illegal activities, contributed to the realization of the injury;

(2) where a claimant, by participating in illegal activities, contributed to the realization of the injury.

119. The Minister may refuse, reduce, suspend or cease payment of a benefit in the following cases:

(1) where the claimant

(a) wilfully provides false or inaccurate information;

(b) refuses or omits to provide information required by the Minister or by a provision of this Act, or to give the authorization needed to obtain such information;

(c) after submitting a claim, does not cooperate or ceases to cooperate with the competent legal authorities in respect of the inquiry or the proceedings, unless his failure to cooperate is justified by a serious reason;

(2) where the claimant, without valid reason,

(a) refuses new employment, refuses to return to his former employment or abandons an employment that he could continue to hold;

(b) hinders an examination requested by the Minister or fails or refuses to undergo such an examination;

(c) hinders the recommended medical or paramedical care or fails or refuses to undergo such care;

(d) engages in an act or practice which prevents or delays his recovery;

(e) hinders the rehabilitation measures made available to him by the Minister pursuant to section 99 or 100, or fails or refuses to avail himself of such measures.

DIVISION II

CLAIMS UNDER OTHER PLANS

120. A person who receives an income replacement indemnity or a total disability benefit from the Minister under an Act administered by him and who, by reason of a new event, claims an income replacement indemnity or a total disability benefit under the Act respecting industrial accidents and occupational diseases, the Automobile Insurance Act or any other Act administered by the Minister, other than the Act under which he already receives such an indemnity or benefit, cannot receive the indemnity and the benefit at the same time.

The Minister shall continue to pay to that person the income replacement indemnity or total disability benefit he is already receiving, where that is the case, until his entitlement to and the amount of the benefits payable under each of the applicable Acts are determined.

121. The Minister shall enter into an agreement with the Société de l'assurance automobile du Québec and the Commission de la santé et de la sécurité du travail to establish a procedure for the processing of claims filed, as the case may be, under the Act respecting industrial accidents and occupational diseases or the Automobile Insurance Act by any person referred to in section 120.

Such an agreement must enable

(1) a distinction to be made between the damages resulting from the new event and those attributable to a previous event governed by an Act administered by the Minister;

(2) the entitlement to and amount of the benefits payable under each of the applicable Acts to be determined;

(3) the benefits to be paid by each authority to be determined and the cases, amounts and reimbursement procedures between authorities to be specified.

122. Where a person referred to in section 120 claims an income replacement indemnity under the Act respecting industrial accidents and occupational diseases or the Automobile Insurance Act, the Minister and the Commission de la santé et de la sécurité du travail or, as the case may be, the Société de l'assurance automobile du Québec shall, for the purposes of the agreement referred to in section

121, jointly render a decision that distinguishes between the damages attributable to each event and shall specify the resulting entitlement to the benefits payable under each of the applicable Acts.

A person who believes he has been wronged by the decision may elect to bring an appeal under this Act or under the Automobile Insurance Act, the Act respecting industrial accidents and occupational diseases, the Act to promote good citizenship or the Crime Victims Compensation Act, as the case may be.

An appeal brought under either Act precludes an appeal under any other, and the decision rendered in appeal is binding on the authorities concerned.

123. Where a person receiving an income replacement indemnity or a total disability benefit under an Act administered by the Minister claims, by reason of another event, an income replacement indemnity under another Act administered by him, the Minister shall distinguish between the damages attributable to each event and shall specify the resulting entitlement to and the amount of the benefits payable under each of the applicable Acts.

A person who believes he has been wronged by the decision may elect to bring an appeal under this Act or under the other Act administered by the Minister.

An appeal brought under either Act precludes an appeal under the other, and the decision rendered in appeal is binding on the Minister.

CHAPTER IX

DECISION, REVIEW AND APPEAL

DIVISION I

DECISION OF THE MINISTER

124. The Minister of Justice has exclusive jurisdiction to determine the claimant's entitlement to a benefit under this Title and, if necessary, to determine the amount of that benefit.

125. The Minister shall examine the claim and render his decision with diligence.

SCHEDULE I
(Section 9)

Criminal Code
(Revised Statutes of Canada (1985), chapter C-46)

Sections	Description of the offence
65	taking part in a riot
76	hijacking of an aircraft
77	endangering the safety of an aircraft in flight or rendering the aircraft incapable of flight
78	taking offensive weapon and explosive substances on board an aircraft
80	failure to take reasonable care in respect of explosives where death or bodily harm results
81	intentionally causing death or bodily harm by explosive substance
86	pointing a firearm or using a firearm in a dangerous manner
151	sexual touching with a child under the age of 14 years
152	invitation to sexual touching to a child under the age of 14 years
153	sexual touching by a person in a position of authority towards a child 14 years of age or more but under 16
155	incest
160(2)	compelling another person to commit bestiality
160(3)	inciting a child under the age of 14 years to commit bestiality
180	common nuisance causing harm
215	failure to provide necessaries
218	abandoning a child under the age of 10 years
220	causing death by criminal negligence
221	causing bodily harm by criminal negligence
229	murder

234	manslaughter
239	attempted murder
244	causing bodily harm with intent
245	administering poison
246	overcoming resistance to commission of offence
247	setting traps likely to cause death or bodily harm
248	interfering with transportation facilities
249(1)b	dangerous operation of a vessel or a towed object
249(2)c	dangerous operation of an aircraft
255(2)(3)	operation of a vessel while impaired
262	impeding attempt to save life
266	assault
267	assault with a weapon or causing bodily harm
268	aggravated assault
269	unlawfully causing bodily harm
269.1	torture
270	assault interfering with lawful process
271	sexual assault
272	sexual assault with a weapon
273	aggravated sexual assault
279(1)	kidnapping
279(2)	unlawful confinement
279.1	hostage taking
280	abduction of a child who is under the age of 16 years
281	abduction of a child who is under the age of 14 years
282	abduction of a child who is under the age of 14 years in contravention of a custody order

- 283 abduction of a child who is under the age of 14 years where there is no custody order
- 343 robbery
- 423 intimidation by violence
- 430(2) mischief causing actual danger to life
- 433 arson
- 436 causing fire resulting in loss of life
- 437 false fire alarm

SCHEDULE II

Lump sum indemnity for the spouse of a deceased victim (Section 77)

Age of the victim	Factor
25 years or less	1.0
26	1.2
27	1.4
28	1.6
29	1.8
30	2.0
31	2.2
32	2.4
33	2.6
34	2.8
35	3.0
36	3.2
37	3.4
38	3.6
39	3.8
40	4.0
41	4.2
42	4.4
43	4.6
44	4.8
45	5.0
46	4.8
47	4.6
48	4.4
49	4.2
50	4.0
51	3.8
52	3.6
53	3.4
54	3.2
55	3.0
56	2.8
57	2.6
58	2.4
59	2.2
60	2.0
61	1.8
62	1.6
63	1.4
64	1.2
65 years or older	1.0

SCHEDULE III

*Lump sum indemnity for the disabled spouse of a deceased victim
(Section 77)*

Age of the victim	Factor
45 years or less	5.0
46	4.8
47	4.6
48	4.4
49	4.2
50	4.0
51	3.8
52	3.6
53	3.4
54	3.2
55	3.0
56	2.8
57	2.6
58	2.4
59	2.2
60	2.0
61	1.8
62	1.6
63	1.4
64	1.2
65 years or older	1.0

SCHEDULE IV

*Lump sum indemnity for the dependant of a deceased victim
(Section 80)*

Age of the dependant	Amount of the indemnity
Less than 1 year	\$39 506
1	\$38 578
2	\$37 249
3	\$36 120
4	\$34 991
5	\$33 864
6	\$32 734
7	\$31 605
8	\$30 476
9	\$29 347
10	\$28 219
11	\$27 090
12	\$25 961
13	\$24 832
14	\$23 703
15	\$22 575
16 years and older	\$21 446

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(7) carry out any other activities assigned to it by the Minister concerning assistance and compensation for victims of crime or a related field.

CHAPTER II

THE MINISTER OF JUSTICE

159. The Minister may, in accordance with the eligibility and allocation criteria he determines in conformity with applicable budgetary rules, grant financial assistance

(1) for the promotion of the rights of victims of crime and the defense of their interests;

(2) for the development of assistance services for victims of crime, including support for the establishment and maintenance of assistance centres for victims of crime recognized in accordance with section 160;

(3) for the production and dissemination of studies and research on matters pertaining to victims of crime;

(4) for the production and dissemination of information material or for the devising and proposing of informational, educational or awareness programs or activities;

(5) for the providing of support to groups of community-based support organizations for victims of crime.

160. The Minister may, according to the eligibility criteria he determines, grant recognition as an assistance centre to a community-based organization which is taking part in the establishment of an assistance program for victims of crime.

A group or organization recognized as an assistance centre must abide by the terms, conditions and commitments which are evidenced in an agreement with the Minister.

161. The Minister may, in accordance with law, enter into agreements relating to assistance and compensation for victims of crime with a government in Canada or abroad, with a department or body of such a government or with an international organization or a body of such an organization.

162. The Minister may generally or specially delegate to a member of the personnel of his department or to a person he designates the exercise of the powers vested in him by this Act.

163. The Commission de la santé et de la sécurité du travail and the Société de l'assurance automobile du Québec may make with the Minister any contract for services or any agreement relating to the application of this Act.

164. The Minister may investigate any matter relating to compensation, reimbursement of expenses or rehabilitation and may designate investigators for this purpose.

165. For the purposes of an investigation, the investigators are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

166. The investigators must, if so requested, identify themselves and produce a certificate issued by the Minister which attests their authority.

CHAPTER III

FONDS D'AIDE ET D'INDEMNISATION DES VICTIMES D'ACTES CRIMINELS

167. A special fund, the "Fonds d'aide aux victimes d'actes criminels", established at the Ministère de la Justice under section 11 of the Act respecting assistance for victims of crime, shall continue its activities under the name of the "Fonds d'aide et d'indemnisation des victimes d'actes criminels" in accordance with the provisions of this Act.

168. The Fonds is made up of the following amounts, except interest:

- (1) the victim fine surcharges collected under the Criminal Code;
- (2) the sums recovered by the Minister in exercising his recourse as subrogee;
- (3) the sums received for goods and services financed by the amounts;
- (4) the sums paid into it pursuant to an agreement referred to in section 161;
- (5) the gifts, legacies and other contributions paid into it;
- (6) the sums paid by the Minister of Finance under section 172 of this Act and section 69.6 of the Financial Administration Act;

(7) the sums the Minister of Finance is authorized to pay into it under section 170.

169. Sums shall be taken out of the Fonds, as required, to

(1) administer the compensation scheme provided for in Title II and the compensation scheme provided for in the Crime Victims Compensation Act;

(2) grant the financial assistance provided for in section 159;

(3) pay the expenses necessary for the carrying out of the activities of the Bureau under the provisions of this Act or assigned to it by the Minister, including payment of the remuneration and expenses relating to fringe benefits and other conditions of employment of members of the personnel of the Ministère de la Justice and of other persons designated by the Minister who are assigned to the Bureau.

170. As the needs of the Fonds develop, the Minister of Finance shall periodically pay into the Fonds amounts totalling a sum equal to the difference, for a given fiscal year, between the amounts needed for the administration of this Act and the amounts referred to in paragraphs 1 to 6 of section 168. The amounts shall be paid out of the consolidated revenue fund.

Where applicable, the surplus amounts accumulated by the Fonds are paid into the consolidated revenue fund, on the dates and to the extent determined by the Government.

171. Notwithstanding any provision to the contrary, the Minister of Finance, where the consolidated revenue fund is insufficient, shall take from the Fonds the sums required to execute a decision that has acquired the authority of a final judgment (*res judicata*) against the Crown.

172. With the authorization of the Government and on the conditions it determines, the Minister of Finance may advance to the Fonds sums taken out of the consolidated revenue fund.

The Minister of Finance may also make a short-term advance to the consolidated revenue fund, on the conditions he determines, of any portion of the sums making up the Fonds which is not required for the operation of the Fonds.

An advance granted by the Minister of Finance shall be repaid by the fund that received it.

173. The sums making up the Fonds shall be under the management of the Minister of Finance. Such sums shall be credited to the Minister of Finance and deposited with the financial institutions he designates.

The book of accounts and the recording of the financial commitments chargeable to the Fonds shall, notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), be kept by the Minister of Justice. The latter, in addition, shall certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

174. Sections 22, 24 to 27, 33, 35, 45, 47 to 49, 49.2, 49.6, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the Fonds.

Section 23 of the Financial Administration Act shall apply with respect to the budget estimates relating to the operating expenses of the Fonds and to the sums required for the granting of financial assistance under section 159.

175. The fiscal year of the Fonds shall end on 31 March.

TITLE IV

REGULATORY PROVISIONS

176. The Government may, by regulation, for the purposes of Title II,

(1) determine, on a weekly or annual basis, the gross income by class of employment and based on work experience for the purposes of Division II of Chapter II of this Title;

(2) determine the cases and conditions under which employment is considered to be full-time, part-time or temporary;

(3) establish the manner in which the gross income is reduced to take account of the fact that a victim holds employment on a part-time basis for the purposes of sections 27 and 37;

(4) establish, for the purposes of sections 52 and 55, the standards and procedure for determining employment for a victim;

(5) define, for the purposes of the second paragraph of section 55, the expressions "employment which exists" and "region in which the victim resides";

(6) determine, for the purposes of section 59, the method for computing the net income;

(7) establish a schedule of permanent impairments and attribute a percentage to each impairment for the purposes of the first and second paragraphs of section 70;

(8) provide, for the purposes of the first paragraph of section 71, a method of computation to allow the reduction of the percentages determined for permanent impairments where a victim sustains more than one impairment;

(9) establish, for the purposes of the second paragraph of section 71, an additional percentage, or prescribe a method enabling such a percentage to be determined, where the permanent impairment affects symmetrical organs or parts of the body, or an organ or part of the body symmetrical to one already impaired, on the basis of the anatomical or functional nature of the impairments;

(10) determine the procedures and conditions for the reimbursement of the expenses referred to in the first paragraph of section 87 and establish the maximum amount for each such expense;

(11) determine, for the purposes of the third paragraph of section 87, the cases in which the reimbursement of expenses may be replaced by an equivalent weekly allowance;

(12) determine the cases and conditions where the expenses referred to in sections 88 and 91 may be adjusted according to variations in the number of persons referred to therein;

(13) determine the cases and conditions giving entitlement to reimbursement of the expenses referred to in the first paragraph of section 93, establish the maximum amount which may be reimbursed for each such expense and prescribe, for the purposes of the second paragraph, the other expenses giving entitlement to reimbursement;

(14) determine the cases and conditions giving entitlement to the availability allowance and to the reimbursement of the expenses referred to in section 97 and establish the maximum amount which may be reimbursed for each such allowance or expense;

(15) determine, for the purposes of section 108, the procedure for filing a claim;

(16) determine the rules to be followed by a health professional in performing the examination that the Minister may require under section 113;

(17) determine the cases and conditions giving entitlement to the availability allowance or to the reimbursement of expenses referred to in section 114 and determine the maximum amount which may be reimbursed for each such allowance or expense;

(18) determine, for the purposes of section 146, the cases and conditions according to which the income replacement indemnity may be adjusted in relation to the presence of a spouse and the number of dependants referred to therein;

(19) determine the conditions and procedure for payment of the income replacement indemnity to the spouse or dependants referred to in section 146;

(20) determine, for the purposes of section 147, the maximum amount that may be reimbursed in respect of the cost of the medical expert's report;

(21) determine, for the purposes of the third paragraph of section 150, the manner in which the amount of a debt may be deducted from any sum the Minister owes to the debtor.

TITLE V

AMENDING AND FINAL PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

177. Section 31 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by inserting the words and figures “the Act respecting assistance and compensation for victims of crime (1993, chapter *(insert here the chapter number of Bill 106 in the volume of statutes for 1993)*),” after the word “under” in the second line of the second paragraph.

178. Section 103 of the said Act is amended by inserting the words and figures “the Act respecting assistance and compensation for victims of crime (1993, chapter *(insert here the chapter number of Bill 106 in the volume of statutes for 1993)*),” after the word and figures “(chapter A-3),” in the third line of paragraph 1.

179. Section 105 of the said Act is amended by inserting the words and figures “the Act respecting assistance and compensation for victims of crime (1993, chapter *(insert here the chapter number of Bill 106 in the volume of statutes for 1993)*),” after the word and figures “(chapter A-3),” in the fifth line of paragraph 1.

130. Section 107 of the said Act is amended by inserting the words and figures “the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)),” after the word and figures “(chapter A-3),” in the fourth line of paragraph 1.

131. Section 449 of the said Act is amended by striking out the words and figures “, to the injury sustained by the rescuer within the meaning of the Act to promote good citizenship (chapter C-20) or to the indictable offence sustained by the victim within the meaning of the Crime Victims Compensation Act (chapter I-6), as the case may be” in the second, third, fourth, fifth and sixth lines of subparagraph 1 of the second paragraph.

132. Section 450 of the said Act is amended by striking out the words and figures “, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be,” in the second, third and fourth lines of the second paragraph.

133. Section 451 of the said Act is repealed.

134. Section 478 of the said Act is amended by striking out the third paragraph.

135. Section 578 of the said Act is amended by adding the words and figures “but before (*insert here the date of coming into force of Bill 106 of 1993*)” at the end of the first paragraph.

ACT RESPECTING ASSISTANCE FOR VICTIMS OF CRIME

136. The Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is repealed.

ACT RESPECTING FINANCIAL ASSISTANCE FOR STUDENTS

137. Section 4 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is amended by replacing the words and figures “or the Automobile Insurance Act (chapter A-25)” in the twelfth line of subparagraph 10 of the first paragraph by the words and figures “, the Automobile Insurance Act (R.S.Q., chapter A-25) or the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*))”.

AUTOMOBILE INSURANCE ACT

188. Section 83.57 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by inserting the words and figure “the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)),” after the words and figure “diseases (chapter A-3.001),” in the fourth line of the second paragraph.

189. Section 83.62 of the said Act is amended by replacing the words “the Commission de la santé et de la sécurité du travail by virtue of” in the first and second lines of paragraph 2 by the words “the Minister of Justice by virtue of the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)),”.

190. Section 83.64 of the said Act is amended by inserting the words “that occurred before (*insert here the date of coming into force of Bill 106 of 1993*)” after the word “accident” in the first line of the first paragraph.

191. Section 83.65 of the said Act is amended by inserting the words “the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)) or, as the case may be, such an indemnity or” after the words and figure “diseases (chapter A-3.001) or” in the fourth line of the first paragraph.

192. Section 83.66 of the said Act is amended

(1) by inserting the words “or the Minister of Justice, as the case may be,” after the word “travail” in the second line of the first paragraph;

(2) by inserting the words and figures “the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)),” after the words and figure “diseases (chapter A-3.001),” in the fourth line of the first paragraph.

193. Section 83.67 of the said Act is amended

(1) by inserting the words and figures “the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)) or, as the case may be, such an indemnity or” after the words and

figure “diseases (chapter A-3.001) or” in the third line of the first paragraph;

(2) by inserting the words “or the Minister of Justice, as the case may be,” after the word “travail” in the sixth line of the first paragraph.

ACT TO PROMOTE GOOD CITIZENSHIP

194. Section 1 of the Act to promote good citizenship (R.S.Q., chapter C-20) is amended

(1) by striking out paragraph *a*;

(2) by replacing paragraph *c* by the following paragraphs:

“(c) “spouse” means a man or woman who, on the date of the death, is married to and lives with the rescuer or has, for not less than three years or for not less than one year if a child has been born or is to be born of their union, lived with the rescuer in a *de facto* union and is publicly represented as the rescuer’s spouse;

“(c.1) “dependant”

(1) means the person who is separated from the rescuer *de facto* or legally, or whose marriage to the rescuer has been dissolved by a final judgment of divorce or declared null by a declaration of nullity of marriage and who, on the date of the death, is entitled to receive support from the rescuer by virtue of a judgment or agreement;

(2) means a minor child related to the rescuer by blood or adoption;

(3) means a person related to the rescuer by blood or adoption and any stranger in blood who stands *in loco parentis* to the rescuer or to whom the rescuer stands *in loco parentis* and whose basic needs and maintenance costs are, at the time of the death, borne by the rescuer to the extent of over 50 %;”;

(3) by inserting the words “or mental” after the word “bodily” in the first line of paragraph *d*;

(4) by replacing paragraph *e* by the following paragraph:

“(e) “benefit” means the indemnities, reimbursement of expenses, including reimbursement for damage to property, and rehabilitation services provided for in Title II of the Act respecting assistance and compensation for victims of crime (1993, chapter *insert*

here the chapter number of Bill 106 in the volume of statutes for 1993));”;

(5) by replacing paragraph *f* by the following paragraph:

“(f) “claimant” means the rescuer or, where the rescuer is deceased, his spouse or a dependant and the person referred to in the second paragraph of section 2;”.

195. Section 2 of the said Act is amended

(1) by inserting the words “his spouse or” after the word “therefrom,” in the first line of the first paragraph;

(2) by replacing the word “commission” in the second line of the first paragraph by the words “Minister of Justice”;

(3) by replacing the second paragraph by the following paragraph:

“The person who, being neither the spouse nor a dependant of the rescuer, has paid the funeral expenses or the expenses for transportation of the rescuer’s remains is entitled, on presentation of vouchers, to be reimbursed for such expenses up to the amount of \$3 386.”

196. Sections 3 to 9 of the said Act are repealed.

197. Sections 11 to 14 of the said Act are replaced by the following sections:

11. If a person institutes civil proceedings and the amount awarded and collected as a result thereof is less than the amount of the benefits the person would have obtained under this Act, he may invoke this Act to claim the difference by notifying the Minister and filing his claim within one year from the date of the final judgment.

12. If the person elects to avail himself of the provisions of this Act, any agreement reached between the parties respecting the civil proceedings or the right to institute such proceedings is null and void until ratified by the Minister. The terms and conditions of payment of the amount agreed upon or awarded shall be determined by the Minister.

13. Nothing in this Title shall affect the right of the claimant to recover from the person responsible for the injury sustained the amounts required to make up, with the benefits to which he is entitled, an amount equivalent to the loss actually sustained.

14. Where the Minister decides to grant compensation to the claimant, he is subrogated by operation of law to the rights of the claimant up to the amount he may be called upon to pay him and may, in his own name or in the name and stead of the claimant, continue or institute civil proceedings.

An amount so recovered shall be paid into the consolidated revenue fund.

14.1 Any hypothec on or any transfer of the right to any benefit provided for under this Act is null by operation of law.

The claimant has a right of recovery against any person who receives all or part of an amount of the benefit by virtue of such a hypothec or transfer.”

198. Section 16 of the said Act is amended by striking out the second paragraph.

199. Sections 18 and 19 of the said Act are repealed.

200. Section 20 of the said Act is replaced by the following sections:

20. Chapters VII to X of Title II and sections 161 to 166 of the Act respecting assistance and compensation for victims of crime apply, with any necessary changes.

20.1 Where the rescuer is injured or dies before (*insert here the date of coming into force of Bill 106 of 1993*), paragraphs *c*, *e* and *f* of section 1 and sections 2, 3, 8, 21 and 21.1, as they read before being amended or repealed by sections 194 to 196, 201 and 202 of that Act, continue to apply to the claimant, subject to the following amendments:

(1) paragraph *e* of section 1 is amended by inserting the words and figures “(chapter A-3), with the exception of paragraphs 4 and 5 of section 35, subsection 2 of section 36, sections 43, 48, 49 and 51, paragraph 13 of section 53 and section 53.1” after the word “Act” in the second line;

(2) section 2 is amended by replacing the word “commission” in the second line of the first paragraph by the words “Minister of Justice”;

(3) section 3 is amended

(a) by replacing the word “commission” in the first line of the first paragraph by the word “Minister”;

(b) by adding the words and figures “, subject to section 12 of the Act respecting assistance and compensation for victims of crime” after the word “benefit” in the second line of the second paragraph;

(4) section 8 is amended by replacing the words “commission shall establish it according to the method it” in the second and third lines by the words “Minister shall establish it according to the method he”.

In addition, section 20 is replaced by the following section:

“20. Paragraphs *f, j, l, m, o* and *p* of subsection 1 of section 2 and sections 6, 26, 27 and 34 of the Workmen’s Compensation Act apply, with any necessary changes.

Sections 12 to 15, section 19, Chapter VIII of Title II, with the exception of sections 110 and 118, Chapter IX of that title and sections 137, 140 to 145, 147 to 156 and 161 to 166 of the Act respecting assistance and compensation for victims of crime also apply, with any necessary changes.

The provisions of Chapter IX of Title II of that Act relating to decision, review and appeal do not apply to applications for review brought before (*insert here the date of coming into force of Bill 106 of 1993*). Such applications shall be heard, continued, decided and appealed from in accordance with the provisions applicable to them on the date on which they were made.”

“20.2 Where the rescuer suffers a relapse of his injury after (*insert here the date preceding the date of coming into force of Bill 106 of 1993*) and more than two years after the end of the last period of incapacity for which he was entitled to an indemnity or, if he was not entitled to such an indemnity, more than two years after the date of the manifestation of his injury, he shall be subject, from the date of the relapse, to the provisions of the Act respecting assistance and compensation for victims of crime as if it were a new injury.”

201. Section 21 of the said Act is amended

(1) by replacing the words and figures “the Crime Victims Compensation Act (chapter I-6) or an Act other than an Act of the Parliament of Québec are applicable” in the fourth and fifth lines of the first paragraph by the words and figures “any other Act relating to the compensation of persons who are victims of industrial accidents, the Act respecting assistance and compensation for victims of crime

(1993, chapter *insert here the chapter number of Bill 106 in the volume of statutes for 1993*), the Automobile Insurance Act (R.S.Q., chapter A-25) or the Crime Victims Compensation Act (R.S.Q., chapter I-6) are applicable”;

(2) by striking out the second paragraph.

202. Sections 21.1 to 26 of the said Act are repealed.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

203. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 137 of chapter 21 of the statutes of 1992, is again amended

(1) by inserting, after paragraph *l*, the following paragraph:

“(l.1) the appeals from a decision under review under section 132 or 135 of the Act respecting assistance and compensation for victims of crime (1993, chapter (*insert here the chapter number of Bill 106 in the volume of statutes for 1993*)) for the purposes of the application of that Act and of the Act to promote good citizenship (R.S.Q., chapter C-20);”;

(2) by adding the words and figures “in respect of an application for review brought before (*insert here the date of coming into force of Bill 106 of 1993*)” at the end of paragraph *m*;

(3) by adding the words and figures “in respect of an application for review brought before (*insert here the date of coming into force of Bill 106 of 1993*)” at the end of paragraph *n*.

204. Section 31 of the said Act is amended by inserting the letter and figure “l.1” after the word “paragraphs” in the first line of the first paragraph.

205. Section 32 of the said Act, amended by section 140 of chapter 21 of the statutes of 1992, is again amended by inserting the letter and figure “, l.1” after the letter “l” in the second line of the first paragraph.

CRIME VICTIMS COMPENSATION ACT

206. Section 1 of the Crime Victims Compensation Act (R.S.Q., chapter I-6) is amended by striking out paragraph *a*.

207. Section 2 of the said Act is amended

(1) by inserting the words and figures “where the event giving rise to the claim occurred before (*insert here the date of coming into force of Bill 106 of 1993*)” after the word “therein” in the third line;

(2) by adding, at the end, the following paragraph:

“Where the victim suffers a relapse of his injury after (*insert here the date preceding the date of coming into force of Bill 106 of 1993*) and more than two years after the end of the last period of incapacity for which he was entitled to an indemnity or, if he was not entitled to such an indemnity, more than two years after the date of the manifestation of his injury, he shall be subject, from the date of the relapse, to the provisions of the Act respecting assistance and compensation for victims of crime as if it were a new injury.”

208. Section 5 of the said Act is amended by inserting the words and figures “, with the exception of paragraphs 4 and 5 of section 35, subsection 2 of section 36, sections 43, 48, 49 and 51, paragraph 13 of section 53 and section 53.1” at the end of the first paragraph.

209. Sections 8 to 10 of the said Act are repealed.

210. Section 11 of the said Act is replaced by the following section:

“**11.** Every application for benefits under this Act must be made to the Minister of Justice within one year of the occurrence of the material damage or the injury sustained by the victim, or of his death.

If the claimant fails to apply within the prescribed time, he is presumed to have renounced the right to avail himself of this Act, subject to section 12 of the Act respecting assistance and compensation for victims of crime.”

211. Sections 12 to 14 of the said Act are repealed.

212. Section 15 of the said Act is replaced by the following section:

“**15.** Paragraphs *f, j, l, m, o* and *p* of subsection 1 of section 2 and sections 6, 26, 27 and 34 of the Workmen’s Compensation Act apply, with any necessary changes.

Sections 12 to 19, Chapter VIII of Title II, with the exception of sections 110 and 118, Chapter IX of that Title and sections 137, 140

to 145, 147 to 156 and Title III of the Act respecting assistance and compensation for victims of crime also apply, with any necessary changes.

The provisions of Chapter IX of Title II of that Act relating to decision, review and appeal do not apply to applications for review brought before (*insert here the date of coming into force of Bill 106 of 1993*). Such applications shall be heard, continued, decided and appealed from in accordance with the provisions applicable to them on the date on which they were made."

213. Sections 16 and 17 of the said Act are repealed.

214. Section 18 of the said Act is amended by replacing the words "commission itself shall establish it according to the method it" in the third line by the words "Minister shall establish such indemnity according to the method he".

215. Sections 19 and 21 to 25 of the said Act are repealed.

216. Section 26 of the said Act is replaced by the following section:

"**26.** The sums required for the carrying out of this Act shall be taken out of the Fonds d'aide et d'indemnisation des victimes d'actes criminels referred to in section 167 of the Act respecting assistance and compensation for victims of crime, and the provisions of that Act relating to the financing and administration of the fund apply."

217. Sections 27 and 28 of the said Act are repealed.

FINAL PROVISIONS

218. The regulations made under the Workmen's Compensation Act which are relevant to the application of the Act to promote good citizenship and the Crime Victims Compensation Act shall continue to apply for that purpose as if they were regulations of the Government. The Government may, for that purpose, amend, replace or repeal them.

219. Any agreements under section 10 of the Act respecting assistance for victims of crime remain in force and are deemed to have been entered into under section 160 of this Act.

220. The files and records kept by the Commission de la santé et de la sécurité du travail for the purposes of administering the Act

respecting assistance for victims of crime and the Act to promote good citizenship shall be transferred to the Minister of Justice.

221. The Minister of Justice is responsible for the administration of this Act.

222. This Act comes into force on the date fixed by the Government.

SCHEDULE I

(Section 9)

Criminal Code

(Revised Statutes of Canada (1985), chapter C-46)

Sections	Description of the offence
65	taking part in a riot
76	hijacking of an aircraft
77	endangering the safety of an aircraft in flight or rendering the aircraft incapable of flight
78	taking offensive weapon and explosive substances on board an aircraft
80	failure to take reasonable care in respect of explosives where death or bodily harm results
81	intentionally causing death or bodily harm by explosive substance
86	pointing a firearm or using a firearm in a dangerous manner
151	sexual touching with a child under the age of 14 years
152	invitation to sexual touching to a child under the age of 14 years
153	sexual touching by a person in a position of authority towards a child 14 years of age or more but under 16
155	incest
160(2)	compelling another person to commit bestiality
160(3)	inciting a child under the age of 14 years to commit bestiality
180	common nuisance causing harm
215	failure to provide necessities
218	abandoning a child under the age of 10 years
220	causing death by criminal negligence
221	causing bodily harm by criminal negligence
229	murder

234	manslaughter
239	attempted murder
244	causing bodily harm with intent
245	administering poison
246	overcoming resistance to commission of offence
247	setting traps likely to cause death or bodily harm
248	interfering with transportation facilities
249(1)b	dangerous operation of a vessel or a towed object
249(2)c	dangerous operation of an aircraft
255(2)(3)	operation of a vessel while impaired
262	impeding attempt to save life
266	assault
267	assault with a weapon or causing bodily harm
268	aggravated assault
269	unlawfully causing bodily harm
269.1	torture
270	assault interfering with lawful process
271	sexual assault
272	sexual assault with a weapon
273	aggravated sexual assault
279(1)	kidnapping
279(2)	unlawful confinement
279.1	hostage taking
280	abduction of a child who is under the age of 16 years
281	abduction of a child who is under the age of 14 years
282	abduction of a child who is under the age of 14 years in contravention of a custody order

- 283 abduction of a child who is under the age of 14 years where there is no custody order
- 343 robbery
- 423 intimidation by violence
- 430(2) mischief causing actual danger to life
- 433 arson
- 436 causing fire resulting in loss of life
- 437 false fire alarm

SCHEDULE II

amp sum indemnity for the spouse of a deceased victim
(Section 77)

Age of the victim	Factor
25 years or less	1.0
26	1.2
27	1.4
28	1.6
29	1.8
30	2.0
31	2.2
32	2.4
33	2.6
34	2.8
35	3.0
36	3.2
37	3.4
38	3.6
39	3.8
40	4.0
41	4.2
42	4.4
43	4.6
44	4.8
45	5.0
46	4.8
47	4.6
48	4.4
49	4.2
50	4.0
51	3.8
52	3.6
53	3.4
54	3.2
55	3.0
56	2.8
57	2.6
58	2.4
59	2.2
60	2.0
61	1.8
62	1.6
63	1.4
64	1.2
65 years or older	1.0

SCHEDULE III

*Lump sum indemnity for the disabled spouse of a deceased victim
(Section 77)*

Age of the victim	Factor
45 years or less	5.0
46	4.8
47	4.6
48	4.4
49	4.2
50	4.0
51	3.8
52	3.6
53	3.4
54	3.2
55	3.0
56	2.8
57	2.6
58	2.4
59	2.2
60	2.0
61	1.8
62	1.6
63	1.4
64	1.2
65 years or older	1.0

SCHEDULE IV

*Lump sum indemnity for the dependant of a deceased victim
(Section 80)*

Age of the dependant	Amount of the indemnity
Less than 1 year	\$39 506
1	\$38 578
2	\$37 249
3	\$36 120
4	\$34 991
5	\$33 864
6	\$32 734
7	\$31 605
8	\$30 476
9	\$29 347
10	\$28 219
11	\$27 090
12	\$25 961
13	\$24 832
14	\$23 703
15	\$22 575
16 years and older	\$21 446

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