



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 8

An Act respecting assistance for victims of crime

Introduction

**Introduced by
Mr Herbert Marx
Minister of Justice**

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EXPLANATORY NOTES

This bill introduces measures designed to address the needs and concerns of victims of crime.

Firstly, it recognizes the rights and the duties of victims of crime.

Secondly, the bill provides for the establishment, at the Ministère de la Justice, of an assistance bureau, to be known as the Bureau d'aide aux victimes d'actes criminels, whose task it will be to see to the harmonization and coordination of the activities of persons, departments and organizations providing services to crime victims and to support the establishment and maintenance of local victim assistance centres.

In addition, the bill empowers the Minister of Justice to grant financial assistance toward the development of victims assistance services.

Lastly, it provides for the financing of victims assistance services through the establishment of an assistance fund, namely the Fonds d'aide aux victimes d'actes criminels and determines the mode of management, financing and operation of the fund.

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An Act respecting assistance for victims of crime

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INTERPRETATION

1. In this Act, the expression “victim of a crime” means a natural person who suffers physical or psychological injury or material loss by reason of a criminal offence committed in Québec, whether or not the perpetrator is identified, apprehended, prosecuted or convicted.

The immediate family and dependants of a victim are also considered victims.

CHAPTER II

RIGHTS AND DUTIES OF VICTIMS OF CRIME

2. The victim of a crime 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 to testify;

(2) prompt and fair restitution or compensation for damage suffered;

(3) the return of any seized property as soon as possible where its retention is no longer required to meet the ends of justice;

(4) due consideration of his views and concerns at the appropriate stages of the proceedings, where his personal interests are affected.

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

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

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

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

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

6. The victim has a right, in so far as resources are available,

(1) to such medical, psychological and social care or help as he may require and to such other assistance services capable of meeting his needs for shelter and support or for referral to other services better suited to provide him with assistance;

(2) to protection against intimidation and retaliation.

7. The victim of a crime has a duty to cooperate, to such extent as is possible, with the relevant law enforcement authority.

CHAPTER III

BUREAU D'AIDE AUX VICTIMES D'ACTES CRIMINELS

8. An assistance bureau to be known as the Bureau d'aide aux victimes d'actes criminels is hereby established at the Ministère de la Justice.

The Bureau shall be composed of the public servants designated by the Minister.

9. The functions of the Bureau shall include

(1) supporting the promotion of victims rights, as recognized under this Act, and seeing to the development of assistance programs and

to the harmonization and coordination of the activities of persons, departments and organizations providing services to victims;

(2) advising the Minister of Justice on any matter pertaining to assistance for victims;

(3) supporting the establishment and maintenance of local victim assistance centres and, to that end, encouraging community groups and organizations to participate in the setting up of such centres by providing the technical or professional support required for their establishment and operation;

(4) supporting the development and implementation of informational, educational and training programs dealing with the rights and needs of victims and the services available to them;

(5) any other function entrusted to it by the Minister of Justice with a view to furthering the carrying out of this Act.

10. The Minister of Justice may recognize local victim assistance centres, composed of community groups or organizations participating in the implementation of a victims assistance program.

Every recognized local assistance centre must comply with the conditions, terms and undertakings set out in an agreement with the Minister.

CHAPTER IV

FONDS D'AIDE AUX VICTIMES D'ACTES CRIMINELS

11. An assistance fund to be known as the Fonds d'aide aux victimes d'actes criminels is hereby established at the Ministère de la Justice.

12. The assistance fund shall be funded out of

(1) the sums paid into it by the Minister of Justice out of the appropriations allocated for that purpose by Parliament and the sums paid into it by the Minister out of the sums contemplated in section 13;

(2) gifts, legacies and other contributions from individuals or legal persons toward the attainment of the objects set out in this Act;

(3) advances made by the Minister of Finance under the first paragraph of section 17.

13. The consolidated revenue fund is liable for the sums payable by the assistance fund up to the amount of the victim fine surcharges collected under the Criminal Code and of the sums paid by the Government of Canada pursuant to an agreement under section 21.

14. The sums paid into the assistance fund shall be under the management of the Minister of Finance. Such sums shall be paid to his order and deposited with the financial institutions he determines.

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

15. The Minister of Justice may grant financial assistance to any person or organization meeting the conditions prescribed by regulation, so as to further the development of victims assistance services and, in particular, to ensure the establishment and maintenance of local assistance centres recognized in accordance with section 10.

The Minister may also grant financial assistance to any person or organization meeting the conditions prescribed by regulation, so as to promote research into any matter pertaining to victims services as well as the development and implementation of informational, educational and training programs.

16. Funds may be taken out of the assistance fund to

(1) grant financial assistance pursuant to section 15;

(2) pay any expense occasioned by the performance of the functions entrusted to the Bureau under this Act, including the remuneration and costs attached to social benefits and other conditions of employment of public servants designated, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), by the Minister of Justice and assigned to the bureau.

17. With the authorization of the Government and subject to the conditions it determines, the Minister of Finance may advance to the assistance fund sums taken out of the consolidated revenue fund.

The Minister of Finance may also, subject to the conditions he determines, make a short-term advance to the consolidated revenue

fund of any part of the sums paid into the assistance fund which is not required for the operation of the assistance fund.

Any advance made by the Minister of Finance shall be repaid out the fund which received it.]]

18. The fiscal year of the assistance fund begins on 1 April of each year and ends on 31 March of the following year.

19. Sections 22 to 27, 33, 35, 45, 47 to 49, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the assistance fund.

CHAPTER V

MISCELLANEOUS PROVISIONS

20. The Government may, by regulation, determine the conditions which must be met by any person or organization in order to obtain financial assistance for the purposes set out in section 15.

21. The Minister of Justice may, according to law, enter, with the Government of Canada or any agency of that Government, into an agreement respecting the payment by Canada to Québec of sums to be used for the carrying out of this Act.

22. The Minister of Justice may, according to law, enter, with a government or a department or agency of that government, into an agreement to further the carrying out of this Act.

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

24. This Act comes into force on *(insert here the date of assent to this Act)*.