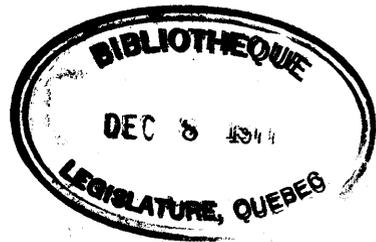


SECOND SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC



Bill 83

An Act to promote citizenship

First reading

M. MARC-ANDRÉ BÉDARD

Ministre de la justice

CHARLES-HENRI DUBÉ, ÉDITEUR OFFICIEL DU QUÉBEC

1977

Bill 83

An Act to promote citizenship

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. In this act, unless the context indicates a different meaning,

(a) “commission” means the Commission des accidents du travail de Québec established under the Workmen’s Compensation Act (Revised Statutes, 1964, chapter 159);

(b) “Commission des affaires sociales” means the commission established under the Social Affairs Commission Act (1974, chapter 39);

(c) “compensation” means the benefits provided for by Divisions III, IV and V of the Workmen’s Compensation Act and, in the case of material injury sustained by the rescuer, an amount not exceeding one thousand dollars;

(d) “dependant” means the spouse of the rescuer, a person related to the victim by blood or adoption, or any other person who stood *in loco parentis* to the rescuer or to whom the rescuer stood *in loco parentis*, and who was wholly or partly dependent upon the rescuer’s income or work for support at the time of his death;

(e) “injury” means bodily harm or property damage sustained by a person;

(f) “claimant” means a person who makes an application under section 3;

(g) “rescuer” means a person who, having reasonable cause to believe another person to be in danger of his life or of bodily harm, benevolently comes to his assistance.

2. A rescuer who sustains an injury or, if he dies therefrom, a dependant may obtain compensation from the commission.

EXPLANATORY NOTES

The object of this bill is to enable a person to receive benefits similar to those provided for in the Crime Victims Compensation Act when, having reasonable cause to believe another person to be in danger of his life or of bodily harm, he suffers an injury in coming to his assistance.

Section 1 contains definitions.

Sections 2 to 4, 8, 9, 11 to 14, 19, 20, 21, 22 to 24, 28 and 29 establish principles similar to those contained in the Crime Victims Compensation Act.

Sections 5 to 7 confer upon the Commission des accidents du travail functions additional to those contained in the constituent act and in the Crime Victims Compensation Act.

Section 11 extends the meaning of the word "spouse".

Sections 15 and 16 enable a person to receive an award not exceeding \$5,000 or decorations and distinctions for his performance of an act of good citizenship.

Section 17 is for concordance.

Section 18 enables a person whose application made under other acts has been refused by the commission, to avail himself of this act without any requirement to make a new application.

Section 22 prohibits a person who is a rescuer in the performance of his duties or a crime victim, from availing himself of the benefits provided for in this bill.

Section 25 is an ordinary provision respecting annual reports.

Sections 26 and 27 amend the Crime Victims Compensation Act.

The person who, without being a dependant, has paid for the funeral expenses or the costs of transportation of the remains of the rescuer may obtain the reimbursement thereof, up to six hundred dollars for funeral expenses and one hundred and fifty dollars for transportation of the remains.

3. A rescuer must apply to the commission in writing within one year after the injury was sustained; in the case of a dependant, such application must be made within one year after the death of the rescuer; in the case of the person contemplated in the second paragraph of section 2, the application must be made within one year of the payment.

The claimant who does not make the application within the prescribed delay is presumed to have renounced the compensation.

4. The commission must notify the Procureur général of any application which it receives under section 3.

The Procureur général appears before the commission to support the application or, as the case may be, to contest it.

5. The commission shall inquire into the facts and the circumstances alleged by the claimant or disclosed during such inquiry.

6. If the commission refuses the claimant's request to make or to continue an inquiry or to grant him compensation, it shall notify him, give him the reasons for its decision and indicate to him the other recourses he may exercise, if any.

7. The commission shall notify the Procureur général of its decision or, in the case of an appeal, of the decision of the Commission des affaires sociales.

8. Where the compensation cannot be determined on the basis of the rescuer's earnings, the commission shall establish it according to the method it considers best suited to the circumstances.

9. If, upon receipt of an application, the commission is of opinion that it will probably grant the compensation, it may make temporary payments to the claimant for his maintenance or medical costs, if he is in need.

If the commission refuses to grant the compensation, the amounts paid under this section shall not be recoverable.

10. The commission may consider as the spouse of a rescuer a person who is unmarried or divorced or whose marriage has

been annulled and who, at the time when the damage or death occurred, had been residing with him or her for three years and had been represented by him or her as his or her spouse.

11. From the making of an application, the commission is subrogated *pleno jure* in the rights of the claimant up to the amount it may be called upon to pay to the claimant and it may, in its own name or in the name and stead of the claimant, continue or institute civil proceedings.

An amount thus recovered is paid into the consolidated revenue fund.

12. The claimant keeps his right to recover from the person responsible for the injury or death, the amounts required to make up, with the compensation, an amount equivalent to the loss sustained.

13. Where an application has been made under this act, any transactions effected between the parties respecting civil proceedings shall be without effect unless they are ratified by the commission.

14. If the amount awarded and collected under civil proceedings is less than the compensation which could have been obtained under this act, an application for the difference, notwithstanding the expiry of the delay provided for in section 3, may be made to the commission within one year of the judgment.

15. Upon the recommendation of the *Ministre de la justice*, the Government may, for an act of good citizenship, grant a person an award not exceeding five thousand dollars or award him decorations or distinctions.

16. For the application of section 15, the Government may make regulations to:

(a) determine the decorations and distinctions that may be awarded;

(b) determine the cases where they may be awarded, and the procedure therefor;

(c) prescribe the form of the decorations attached to the distinctions; and

(d) establish a committee to advise the Minister on the granting of awards or the awarding of decorations and distinctions, determine its composition and functions and provide for the mode of appointment of its members.

A regulation made under this section shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

17. Section 15 applies even where the rescuer has not sustained any injury or is not eligible for compensation.

18. An application validly made under the Workmen's Compensation Act or under the Crime Victims Compensation Act (1971, chapter 18) and refused by the commission on the ground that it should have been made under this act is nevertheless deemed to have been validly made under this act.

19. An application made according to this act shall interrupt the prescription provided for in the Civil Code until the decision of the commission or, in the case of an appeal, of the Commission des affaires sociales.

20. The provisions of the Workmen's Compensation Act not inconsistent with this act apply, *mutatis mutandis*.

21. No compensation shall be granted under this act if the rescuer has sustained an injury or died in circumstances to which the Workmen's Compensation Act or the Crime Victims Compensation Act are applicable.

22. Where, in circumstances to which this act is applicable, a claimant obtains an indemnity under section 49a of the Wild-life Conservation Act (1969, chapter 58), the indemnity must be deducted from the compensation.

[[**23.** The Ministre des finances shall repay the commission, upon production of a statement, the expenses incurred by it in the administration of this act.]]

24. The Ministre des finances may, at the request of the commission, when it believes it necessary to ensure prompt payment of the compensation it decides to grant under this act, deposit with the commission from time to time moneys out of which it shall pay the compensation.

25. Not later than 30 June each year, the commission shall make to the Minister a report of its activities for the preceding fiscal year.

The Minister shall table the report of the commission before the Assemblée nationale within thirty days after its receipt. If he receives it when the Assemblée nationale is not in session,

he shall table it within thirty days of the opening of the next session or of resumption, as the case may be.

26. Section 10 of the Crime Victims Compensation Act (1971, chapter 18) is replaced by the following:

“**10.** An application for benefits under this act, made in accordance with section 9, shall interrupt the prescription provided for in the Civil Code until the day the Commission or, as the case may be, the Commission des affaires sociales renders its decision upon the application.”

27. The said act is amended by inserting, after section 18a, the following section:

“**18b.** An application validly made under the Workmen’s Compensation Act or the Act to promote citizenship (1977, chapter *insert here the chapter number of Bill 83*) and refused by the Commission on the ground that it should have been made under this act shall nevertheless be deemed to have been validly made under this act.”

[[**28.** The moneys necessary for the application of this act shall be taken out the consolidated revenue fund.]]

29. The Ministre de la justice is responsible for the application of this act.

30. This act shall come into force on the day of its sanction.