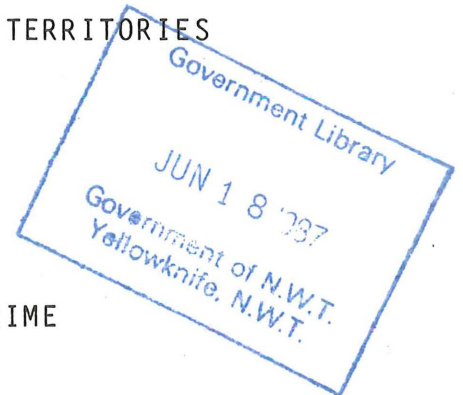


TABLED DOCUMENT NO. 88-87(1)  
TABLED ON

JUN 18 '87

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES



AN ACT RESPECTING VICTIMS OF CRIME

Statement of Purpose

The purpose of this Bill is to establish a Victims Assistance Committee to promote the needs and concerns of victims and to promote the provision of victims services; and to establish a Victims Assistance Fund that will be funded from a surcharge imposed on persons convicted of an offence under an enactment, to be used to provide for services to victims.

Important

This Bill is tabled by the Minister of Justice for public review. This Bill does not represent the final policy of the Government of the Northwest Territories and is subject to change after public review and comment. Furthermore, changes of a technical nature can be expected to prepare the Bill for introduction in the Legislative Assembly.

AN ACT RESPECTING VICTIMS OF CRIME

5

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

10

Short title           1. This Act may be cited as the Victims of Crime Act.

Definitions           2. In this Act,

15

"Committee"           "Committee" means the Victims Assistance Committee established pursuant to section 3;

"Fund"                "Fund" means the Victims Assistance Fund established pursuant to section 12;

20

"judge"               "judge" includes a justice of the peace and a territorial judge;

"victims"             "victims"

25

- (a) means persons who, individually or collectively, have suffered harm, including
  - (i) physical or mental injury,
  - (ii) emotional suffering,
  - (iii) economic loss, or
  - (iv) substantial impairment of their fundamental rights,

30

through acts or omissions which are in violation of criminal laws or laws that have penal consequences, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted;

35

- (b) includes, where appropriate, the immediate family or dependants of the direct victims; and

40

- (c) includes persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

45

50



EXPLANATORY NOTES

New Act

Victims Assistance Committee

Establishment of Committee	3.(1) The Minister shall establish a Victims Assistance Committee comprised of three members.	5
Appointment	(2) The members of the Committee shall be appointed by the Minister.	
Term	(3) Each member shall be appointed to the Committee for a term of not more than three years as designated in the appointment.	10
Honorarium	(4) The members of the Committee may be paid an honorarium in an amount determined by the Minister.	15
Chairperson	4. The Minister shall designate one of the members as chairperson of the Committee.	
Conflict of interest	5.(1) A member of the Committee who is associated with a person, organization or institution being considered for funding under section 8 shall disclose that association.	20
Member may vote	(2) A member referred to in subsection (1) may vote on any question relating to a proposed recommendation of the Committee unless the member has a direct pecuniary interest in the funding.	25
Committee may promote services to victims	6. The Committee may promote (a) the courteous and compassionate treatment of victims; (b) that victims be treated with respect for their dignity and privacy; (c) prompt redress for victims, through civil and criminal law procedures, for the harm which they have suffered; (d) the availability of information to a victim about (i) the scope, nature, timing and progress of the prosecution of the offence in which he was a victim, (ii) the role of the victim in the court proceeding, (iii) the remedies and the social, legal, medical and mental health services available to the victim and the mechanisms to obtain access to them, and (iv) the responsibility of the victim to report the crime and co-operate with law enforcement authorities;	30 35 40 45 50

	(e) research into and the distribution of information about services to victims and needs and concerns of victims;	
	(f) assistance to victims in bringing their views and concerns to the attention of the court, where their personal interests are affected, and where it is consistent with criminal law and procedure;	5
	(g) measures to be taken to minimize inconvenience to victims and to ensure the safety of victims; and	10
	(h) training for police, health, social service and other personnel as to the needs and concerns of victims.	15
Guidelines	7. The Committee may work with prosecutors and with law enforcement agencies, courts, social agencies and any organizations established to serve victims in order to assist them in developing guidelines that promote the purposes of this Act.	20
Applications and submissions	8.(1) Any person, organization or institution may submit, to the Committee, applications and submissions relating to (a) the needs and concerns of victims; (b) funding of research for services to victims; and (c) funding of services to victims.	25
Applications submitted to Committee	(2) Any application for funding from the Fund shall be submitted to the Committee for a recommendation as to whether the funding should be given.	30
Review and recommendation	(3) The Committee (a) shall review the applications and submissions made pursuant to subsections (1) and (2); (b) may consider for funding, at its discretion, any other person, organization or institution that is or may be established to serve victims; and (c) shall recommend to the Minister the names of proposed recipients of money from the Fund, the terms and conditions upon which the money should be paid and the purposes for which the money should be spent.	35 40 45

Idem	(4) The Committee may make recommendations to the Minister relating to (a) the development of policies respecting services to victims; and (b) any other matter that the Minister refers to the Committee.	5
Review	9. The Committee shall review the operation, development and cost of services to victims and research projects for which money from the Fund is spent.	10
Examination of documents	10. The Committee may require a person, organization or institution being considered for funding under section 8, or a recipient of funding under section 15, to submit to the Committee such reports, contracts or documents related to the application or receipt as the Committee considers advisable.	15
Report	11.(1) The Committee shall, within four months after the end of every fiscal year of the Fund, make a report to the Minister on the activities of the Committee for that fiscal year.	20
Report laid before Legislative Assembly	(2) The Minister shall lay a copy of the report of the Committee before the Legislative Assembly immediately after receiving the report or, if the Legislative Assembly is not then in session, within fifteen days after the commencement of the next session.	25 30
Victims Assistance Fund		35
Establishment of Fund	12. A Victims Assistance Fund is established.	35
Surcharge	13.(1) Subject to subsection (6) and any other Act, a person who is convicted of an offence under an enactment shall pay a surcharge.	40

45

50

Payment	(2) The surcharge imposed under subsection (1) shall be collected in the same manner as a fine and (a) where a fine has been imposed, shall be collected with the fine; and (b) where a fine has not been imposed, shall be collected as a judge may order.	5
Amount of surcharge	(3) The surcharge imposed under subsection (1) shall be an amount determined by multiplying the amount of the fine by a percentage rate prescribed by regulation that shall not exceed twenty per cent.	10
Exception	(4) No surcharge shall be imposed in respect of a parking ticket.	15
Surcharge where no fine	(5) A person who is convicted of an offence but no fine is imposed in respect of the offence, shall pay a surcharge in the amount of \$25.	20
Surcharge may vary	(6) Where the judge, having regard to the circumstances, including the degree of financial hardship a surcharge would impose on a person, determines that a surcharge or the amount of a surcharge is inappropriate, the judge may reduce or waive the surcharge.	25
Payment into Fund	14.(1) The Fund shall be credited with (a) the surcharge when collected; (b) any money from a person or source made payable to the Fund; and (c) any money from the Government of Canada in accordance with an agreement entered into pursuant to section 19.	30
Trust account	(2) The Committee shall deposit all money paid into the Fund into a bank account to be held in trust for the purposes of this Act.	35
Separate account	(3) The Fund shall be held in an account separate from the Consolidated Revenue Fund.	40
Trust conditions	(4) Money received into the Fund subject to trust conditions shall be disbursed pursuant to those conditions.	45
Payments from the Fund	15.(1) Subject to any trust conditions under which money is received into the Fund, the Minister may authorize expenditures from the Fund for (a) promotion and delivery of services to victims; (b) research into services to victims and needs and concerns of victims; (c) distribution of information respecting services to victims and needs and concerns of victims;	50

	(d) remuneration of members of the Committee for their services and for reimbursement of reasonable expenses incurred on behalf of the Committee; and	
	(e) any other purpose the Minister considers necessary for carrying out the purposes of this Act.	5
Recommendations of Committee	(2) Prior to authorizing expenditures under subsection (1), the Minister may consider the recommendations of the Committee pursuant to paragraph 8(3)(c).	10
Payments from the Fund	(3) Payments may be made from the Fund in accordance with an authorization granted under subsection (1).	15
Idem	(4) Payments made from the Fund shall be limited to the amount of money in the Fund.	20
Investment of excess moneys	16. If at any time the balance to the credit of the Fund or the amount received subject to trust conditions is in excess of the amount that is required for the immediate purposes of this Act or the trust conditions, the Minister may invest the excess in a manner authorized by the <u>Financial Administration Act</u> and any income shall be credited to the Fund.	25
Fiscal year	17. The fiscal year of the Fund shall be from the 1st day of April to the 31st day of March of the following year.	30
	General	35
Application	18. This Act does not create any civil cause of action, right to damages or any right of appeal on behalf of any person.	40
Agreements with Canada	19. The Commissioner, upon the recommendation of the Minister, may enter into agreements with the Government of Canada respecting the carrying out of the purposes of this Act.	45



Regulations

20. The Commissioner, upon the recommendation of the Minister, may make regulations

(a) prescribing the percentage rate of the surcharge pursuant to subsection 13(3);  
and

(b) generally for carrying out the purposes of this Act.

5

Commencement

21. This Act shall come into force on a day to be fixed by order of the Commissioner.

10

