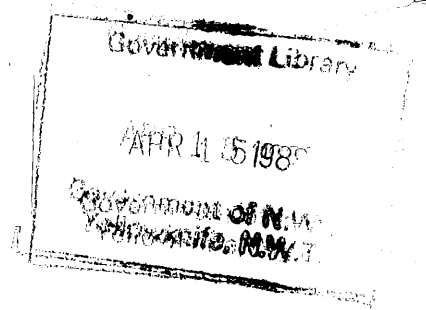


TABLED DOCUMENT NO. 141-88 (1)
TABLED ON

APR 14 1988



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

VICTIMS OF CRIME ACT

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 proposed Act 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.

VICTIMS OF CRIME ACT

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

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Definitions

1. In this Act,

"Committee"

"Committee" means the Victims Assistance Committee established under section 2;

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"fund"

"fund" means the Victims Assistance Fund established under section 11;

"judge"

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

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"victims"

"victims"

(a) means persons who, individually or collectively, have suffered harm, including

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(i) physical or mental injury,

(ii) emotional suffering,

(iii) economic loss, or

(iv) substantial impairment of their fundamental rights,

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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;

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

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

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	(d) research into and the distribution of information about services to victims and the needs and concerns of victims;	
	(e) 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
	(f) measures to be taken to minimize inconvenience to victims and to ensure the safety of victims; and	10
	(g) training for police, health, social service and other personnel as to the needs and concerns of victims.	15
Programs	6. 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 programs that promote the purposes of this Act.	20
Applications and submissions	7.(1) Any person, organization or institution may submit, to the Committee, applications and submissions relating to	
	(a) the needs and concerns of victims;	25
	(b) funding of and research into services to victims and the needs and concerns of victims;	
	(c) funding of services to victims;	
	(d) distribution of information respecting services to victims and the needs and concerns of victims; and	30
	(e) promotion and delivery of services to victims.	35
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.	40
Review and recommendation	(3) The Committee	
	(a) shall review the applications and submissions made under 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	45
	(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.	50

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	8. 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	9. The Committee may require a person, organization or institution being considered for funding under section 7, or a recipient of funding under section 14, to submit to the Committee such reports, contracts or documents related to the application or receipt as the Committee considers advisable.	15
Report	10.(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 15 days after the commencement of the next session.	25 30
Victims Assistance Fund		
Establishment of fund	11.(1) A Victims Assistance Fund is established.	35
Special purpose fund	(2) The fund is a special purpose fund within the meaning of the <u>Financial Administration Act</u> .	40
Surcharge	12.(1) Subject to subsection (3), every person, other than a young person as defined in the <u>Young Offenders Act</u> , who is convicted of an offence under an enactment, shall pay a surcharge (a) in an amount to be determined by multiplying the amount of the fine or penalty that is imposed on the person for the offence by a percentage, not to exceed 20%, that is prescribed by regulation; or (b) in the amount of \$25, where no fine is imposed on the person for the offence.	45 50

Payment priorities	(2) Where a person pays only a portion of a fine and surcharge that must be paid under paragraph (1)(a), the payment received must be applied first, in payment of the surcharge and second, in payment of the fine.	5
Exception	(3) Where a judge has convicted a person of an offence under an enactment, and the person establishes to the satisfaction of the judge that the surcharge would result in undue hardship to the person, the judge may waive or reduce the surcharge.	10
Reasons for waiving or reducing surcharge	(4) Where the judge waives or reduces the surcharge, the judge shall (a) provide the reasons why the surcharge is being waived or reduced; and (b) enter the reasons in the record of the proceedings or, where the proceedings are not recorded, provide written reasons.	15 20
Enforcement	(5) Subject to this Act, the provisions of the <u>Summary Conviction Procedures Act</u> and regulations under that Act respecting payment of a fine or penalty and imprisonment in default of payment of a fine or penalty apply, with such modifications as the circumstances require, to payment of a surcharge.	25
Idem	(6) No person shall discharge all or any part of a surcharge by means of a work option as defined in the <u>Fine Option Act</u> .	30
Payment into fund	13.(1) Money that is received for or otherwise credited to the fund, including (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 under section 19, must be paid to the Minister for the account of the fund.	35 40
Money to be held in trust	(2) The fund must be held in an account forming part of the Consolidated Revenue Fund, in trust for the purposes of this Act.	45

Disbursements from the fund	14.(1) The Minister may authorize disbursements from the fund for	
	(a) promotion and delivery of services to victims;	
	(b) research into services to victims and needs and concerns of victims;	5
	(c) distribution of information respecting services to victims and needs and concerns of victims;	
	(d) remuneration of members of the Committee for their services and for reimbursement of reasonable expenses incurred on behalf of the Committee; and	10
	(e) any other purpose the Minister considers necessary for carrying out the purposes of this Act.	15
Trust conditions	(2) Money received into the fund subject to trust conditions must be disbursed according to those conditions.	20
Recommendations of Committee	(3) Prior to authorizing disbursements under subsection (1), the Minister may consider the recommendations of the Committee.	25
Disbursements from the fund	(4) No disbursements shall be made from the fund unless authorized under subsection (1).	
Idem	(5) Disbursements made from the fund shall be limited to the amount of money in the fund.	30
No direct compensation	15. The fund must not be used to provide direct financial compensation to individual victims.	
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.	35 40
Fiscal year	17. The fiscal year of the fund shall be the period beginning on April 1 in one year and ending on March 31 of the following year.	45
	General	50
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.	

Agreements
with Canada

19. The Commissioner, upon the recommendation of the Minister, may enter into agreements with the Government of Canada respecting funding for, and the carrying out of the purposes of, this Act.

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Regulations

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

(a) prescribing the percentage for the purpose of determining the amount of the surcharge; and

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

Commencement

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

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