



---

# NATIONAL ASSEMBLY OF QUÉBEC

---

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 84

**An Act to assist persons who are  
victims of criminal offences and to  
facilitate their recovery**

---

**Introduction**

**Introduced by  
Mr. Simon Jolin-Barrette  
Minister of Justice**

---

**Québec Official Publisher  
2020**

## EXPLANATORY NOTES

*This bill proposes a reform with respect to assistance for persons who are victims of criminal offences. The purpose of the bill is to recognize the rights of persons who are victims of a criminal offence and establish measures to respond to their needs in order to facilitate their recovery.*

*Measures are introduced to support persons who are victims who suffer interference with their integrity or material loss due to a criminal offence. Among other things, the bill recognizes the right of persons who are victims to be informed of their rights and of the remedies they can pursue as well as of the assistance measures to which they are entitled. The Minister of Justice is allowed to recognize assistance centres for persons who are victims of criminal offences and to grant certain subsidies.*

*Various types of financial assistance are established. The bill defines which persons who are victims of certain criminal offences are eligible for financial assistance, and establishes a qualification process for them. It specifies, among other things, that a qualification application must be filed within three years after a person who is a victim becomes aware of the injury they suffer. However, an application may be filed at any time if it relates to the commission of a criminal offence involving violence suffered during childhood, a sexual aggression or spousal violence.*

*Once persons who are victims qualify as such, they are eligible for payment, according to the category of persons who are victims to which they belong, of one or more of the following types of financial assistance: a lump sum, financial assistance compensating a loss of income, financial assistance for psychotherapeutic or psychosocial rehabilitation, financial assistance for physical rehabilitation, financial assistance for vocational reintegration, financial assistance for social reintegration, financial assistance for medical assistance, and financial assistance in the form of a reimbursement of certain miscellaneous expenses. Other persons, including a person who paid funeral expenses or who assumed certain cleaning costs, are also allowed to receive financial assistance in the form of a reimbursement of miscellaneous expenses. In addition, financial assistance aimed at contributing to support for a child born as a result of a sexual aggression is introduced; such assistance can be paid to a mother*

*who, alone, provides for the needs of a child whose conception results from such an aggression or, as applicable, to another person who provides for the child's needs.*

*The Government is granted various regulatory powers to determine primarily the standards, amounts and terms of such financial assistance. Specific conditions are determined for criminal offences committed outside Québec.*

*Various powers are granted to the Minister, in particular the power to require a person to undergo an examination by a health professional and the power to require reports from certain health professionals or health and social services institutions. Miscellaneous provisions are included pertaining to decisions rendered by the Minister, mechanisms for reviewing and contesting such decisions, and the possibility of recovering financial assistance.*

*In addition to the financial assistance provided for, the bill confers on the Minister the power to establish an assistance program for emergency situations to allow persons whose life or safety is threatened to benefit from measures relating, in particular, to assistance in relocating. A police force is allowed to communicate information to the Minister or to an assistance centre for persons who are victims of criminal offences, and an office dedicated to assisting such persons is created at the Ministère de la Justice.*

*The bill establishes a fund dedicated to assistance for persons who are victims of criminal offences, and provides for the transfer of the assets and liabilities of the Crime Victims Assistance Fund established under the Act respecting assistance for victims of crime to the new fund.*

*Lastly, the bill repeals the Act respecting assistance for victims of crime, the Crime Victims Compensation Act and the Act respecting assistance and compensation for victims of crime, amends the Act to promote good citizenship, and contains other amending, transitional and final provisions.*

#### **LEGISLATION AMENDED BY THIS BILL:**

- Civil Code of Québec;
- Act respecting industrial accidents and occupational diseases (chapter A-3.001);

- Individual and Family Assistance Act (chapter A-13.1.1);
- Automobile Insurance Act (chapter A-25);
- Health Insurance Act (chapter A-29);
- Act respecting the Barreau du Québec (chapter B-1);
- Act to promote good citizenship (chapter C-20);
- Code of Civil Procedure (chapter C-25.01);
- Code of Penal Procedure (chapter C-25.1);
- Professional Code (chapter C-26);
- Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);
- Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);
- Taxation Act (chapter I-3);
- Act respecting administrative justice (chapter J-3);
- Police Act (chapter P-13.1);
- Youth Protection Act (chapter P-34.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Teachers Pension Plan (chapter R-11);
- Act respecting the Civil Service Superannuation Plan (chapter R-12);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting the Québec correctional system (chapter S-40.1).

### **LEGISLATION REPEALED BY THIS BILL:**

- Act respecting assistance for victims of crime (chapter A-13.2);
- Crime Victims Compensation Act (chapter I-6);
- Act respecting assistance and compensation for victims of crime (1993, chapter 54).

### **REGULATIONS AMENDED BY THIS BILL:**

- Regulation respecting financial assistance (chapter A-3, r. 1);
- Regulation respecting social stabilization and economic stabilization programs (chapter A-3.001, r. 14);
- Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);
- Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);
- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5);
- Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2);
- Arrêté ministériel concernant la reconnaissance des services d'aide aux victimes aux fins de l'article 417 du Code de procédure civile (chapter C-25.01, r. 7, French only);
- Regulation respecting the form of statements of offence (chapter C-25.1, r. 1);
- Letters patent constituting the Ordre professionnel des criminologues du Québec (chapter C-26, r. 90.1);
- Regulation respecting the Taxation Act (chapter I-3, r. 1);
- Orientations et mesures du ministre de la Justice en matière d'affaires criminelles et pénales (chapter M-19, r. 1, French only);

- Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction (chapter P-13.1, r. 6);
- Regulation respecting the issuance of competency certificates (chapter R-20, r. 5);
- Regulation respecting complementary social benefit plans in the construction industry (chapter R-20, r. 10);
- Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1);
- Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2);
- Organization and Management of Institutions Regulation (chapter S-5, r. 5).

# **Bill 84**

## **AN ACT TO ASSIST PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES AND TO FACILITATE THEIR RECOVERY**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **TITLE I**

#### **PURPOSE**

**1.** The purpose of this Act is to recognize the rights of persons who are victims of a criminal offence and to establish measures to respond to their needs in order to facilitate their recovery. To that end, it establishes an assistance plan enabling them to obtain appropriate support that is coherent with the other plans responding to their needs, in particular by facilitating their access to efficient, fair and impartial services and to financial assistance.

### **TITLE II**

#### **SUPPORT FOR PERSONS WHO ARE VICTIMS**

**2.** For the purposes of this Title, persons who are victims are natural persons who, due to the commission of a criminal offence, suffer interference with their integrity or material loss, whether or not the perpetrator of the offence is identified, arrested, prosecuted or found guilty.

**3.** Persons who are victims must be treated with compassion, courtesy, fairness and understanding and with respect for their dignity and privacy. They have the right to be assisted and supported.

**4.** To the extent provided for by law, persons who are victims have the right to be informed

(1) of their rights and of the remedies they can pursue to assert them;

(2) of the assistance measures provided for by this Act; and

(3) of the health services and social services and of any support, prevention or protection services available in their community and through which they can obtain the medical, psychological or social assistance required.

**5.** Persons who are victims have the right, taking into account the resources available and to the extent provided for by law,

(1) to receive the medical, psychological or social assistance required by their condition and the other support services appropriate for their needs with respect to shelter and assistance as well as referral to other services that can help them;

(2) to receive the rehabilitation services required by their condition and enabling them to move on with their lives or facilitating their social or vocational reintegration; and

(3) to benefit from measures protecting them from intimidation tactics and reprisals.

**6.** Persons who are victims have the right, as regards the criminal offence that led to the interference with their integrity or to their material loss,

(1) to be informed, on request, of the progress and outcome of the police investigation, as far as possible and subject to the public interest;

(2) to have due consideration given to their views and concerns where their rights are affected;

(3) to have their safety taken into consideration by the persons responsible for enforcing the law;

(4) to be informed of testimonial aids;

(5) to have their seized property returned to them as soon as possible where its retention is no longer necessary for the purposes of the administration of justice;

(6) to be informed of their role and participation in any judicial proceedings as well as of the progress and outcome of those proceedings and of any decision that concerns them;

(7) to be informed of the adaptation and restorative justice programs available;

(8) to be informed of any hearing held to determine the fitness or unfitness of the accused, presumed perpetrator of the criminal offence of which they are a victim, to stand trial;

(9) to be informed of any hearing that could lead to the perpetrator of the criminal offence being found not criminally responsible on account of mental disorder, or of any hearing held following such a finding;



(10) to have due consideration given to their statement made under section 672.541 or section 722 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(11) to be informed of any hearing held to determine whether the perpetrator of the criminal offence of which they are a victim is a high-risk accused; and

(12) to receive communication, in accordance with the terms set out in Chapter V of the Act respecting the Québec correctional system (chapter S-40.1), of the information mentioned in section 175 of that Act including the information relating to the release of the offender responsible for the offence of which they were a victim and to make written representations in that respect.

The rights provided for in the first paragraph must be exercised in accordance with the laws governing them where such laws provide a framework for those rights.

**7.** Persons who are victims must co-operate, to the extent possible, with the persons responsible for enforcing the law regarding the criminal offence due to which they suffer interference with their integrity or material loss.

**8.** The Minister may recognize assistance centres for persons who are victims of criminal offences that are composed of community groups or organizations and that participate in the implementation of assistance and support programs for such persons.

**9.** The Minister may grant a subsidy to any person or organization that meets the conditions prescribed by a government regulation and that furthers the development of assistance or support services for persons who are victims of criminal offences, in particular by ensuring that recognized assistance centres are established and maintained.

The Minister may also grant a subsidy to any person or organization that meets the conditions prescribed by a government regulation and that promotes research on any matter pertaining to assistance or support for persons who are victims as well as the development and implementation of informational, awareness and training programs.

**TITLE III**  
FINANCIAL ASSISTANCE

**CHAPTER I**  
GENERAL PROVISIONS

**DIVISION I**  
PERSONS WHO ARE VICTIMS

**10.** For the purposes of this Title, the following persons who are victims are entitled to financial assistance, according to the terms prescribed by this Title:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a child who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the child, or a person having parental authority over the child;

(3) a child of a parent who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the parent, or a child over whom a person who is deceased or suffers such interference has parental authority;

(4) the spouse of a person who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the person;

(5) a dependant of a person who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the person;

(6) a close relation of a person who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the person; and

(7) a witness to the commission of a criminal offence or to the intact scene of the offence.

A witness referred to in subparagraph 7 of the first paragraph includes any witness who is not at the scene when the offence is committed but who is nonetheless a witness due to being in communication with the person who is a victim referred to in subparagraph 1 of the first paragraph or with the perpetrator of the offence, provided the communication

(1) is made using a technological means;

(2) involves an active exchange between the witness and the person who is a victim or the perpetrator of the offence;

(3) is made without any interruptions other than the intervals required to prepare and send or receive the next element of the exchange; and

(4) allows the witness to observe the offence, at the time of its commission, either visually, auditorily or through reading.

**11.** The following persons are, as a result of a civic intervention, considered as persons who are victims who are entitled to financial assistance, according to the terms prescribed by this Title:

(1) an intervening person who suffers interference with their integrity while arresting or attempting to arrest an offender or suspected offender or while assisting a peace officer making or attempting to make an arrest, where the circumstances of the arrest involve a criminal offence;

(2) an intervening person who suffers interference with their integrity while preventing or attempting to prevent the commission of a criminal offence or what the person believes to be such an offence or while lending assistance to a peace officer preventing or attempting to prevent the commission of such an offence or what the peace officer believes to be such an offence;

(3) a parent of a child who is deceased or suffers interference with their integrity, in a case where the child is an intervening person referred to in paragraph 1 or 2, or a person having parental authority over the child;

(4) a child of an intervening person referred to in paragraph 1 or 2 who is deceased or suffers interference with their integrity, or a child over whom such an intervening person who is deceased or suffers such interference has parental authority;

(5) the spouse of a person who is deceased or suffers interference with their integrity, in a case where the person is an intervening person referred to in paragraph 1 or 2;

(6) a dependant of a person who is deceased or suffers interference with their integrity, in a case where the person is an intervening person referred to in paragraph 1 or 2; and

(7) a close relation of a person who is deceased or suffers interference with their integrity, in a case where the person is an intervening person referred to in paragraph 1 or 2.

**12.** In addition to the conditions set out in sections 10 and 11, in order for the persons who are victims mentioned in those sections to be granted the financial assistance provided for in this Title, the interference with the integrity of the person referred to in subparagraph 1 of the first paragraph of section 10 or in paragraph 1 or 2 of section 11 or the death of such a person must have occurred in Québec.

**13.** For the purposes of this Title,

“**close relation**” means, in relation to a person who is a victim, their brother, sister, grandparent or grandchild, a child of their spouse, the spouse of their parent, a child of the spouse of their parent, or the significant person designated either by a person who is a victim who suffers interference with their integrity due to the commission of a criminal offence against the latter or by an intervening person, as applicable; where the person who is a victim or the intervening person is under 14 years of age, such a designation is made by their parent, a person having parental authority over them or any other person of full age entrusted with representing them for that purpose and, where the person who is a victim or the intervening person is deceased, the significant person is the one who demonstrates a significant bond with the person or intervening person who is deceased;

“**criminal offence**”, unless otherwise indicated, means any offence under the Criminal Code committed after 1 March 1972 and causing a person to suffer interference with their physical or mental integrity; a criminal offence against property is therefore excluded;

“**dependant**” means any person more than 50% of whose needs are provided for by the person who is a victim who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the latter;

“**intact scene**” means the physical place where a criminal offence was committed, as it is before a police officer, peace officer, firefighter, pre-hospital emergency service ambulance technician or any other first responder arrives;

“**spouse**” means a person who is in either of the following situations:

(1) the person is married to or in a civil union with a person who is a victim; or

(2) the person has been sharing a community of life with a person who is a victim for at least three years, or shares a community of life with such a person and

(a) a child has been born or is to be born of their union;

(b) they have adopted a child together; or

(c) one of them has adopted a child of the other.

For the purposes of this Title, a person who disappears under circumstances that lead to believe that their death is probable and that the disappearance results from the commission of a criminal offence is presumed to be deceased.

Where a provision of this Act refers to a parent, the reference does not cover a parent who is deprived of parental authority or, in the case of a child of full age, a parent who was deprived of parental authority when the child reached full age.

## **DIVISION II**

### **MISCELLANEOUS PROVISIONS**

**14.** Unless otherwise indicated, where a health assessment is required under this Title, it must be carried out by a health professional determined by a government regulation.

The regulation may provide that such an assessment may be carried out by different professionals, based on the type of financial assistance concerned. The regulation may also prescribe the information that must accompany the health assessment.

Where this Title refers to a health professional, the reference is to a health professional determined by the regulation.

**15.** Financial assistance provided for in this Title may be granted whether or not the perpetrator of the criminal offence has been identified, arrested, prosecuted or found guilty.

**16.** No person who is a victim is entitled to financial assistance under this Title if,

(1) in the case of a person who suffers interference with their integrity due to the commission of a criminal offence against them, the person was a party to the commission of the offence or contributed, by committing a gross fault, to the interference with their integrity;

(2) in the case of a parent of a minor child who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the child, or in the case of a person having parental authority over the child, the parent or person was a party to the commission of the offence or contributed, by committing a gross fault, to the interference with the child's integrity or to the child's death; the exception does not apply, however, if the parent or person acted in that manner due to experiencing violence or a real threat of violence against them or against the child;

(3) in the case of a capable child 12 years of age or over of a parent who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the parent, or such a child over whom a person who is deceased or suffers such interference has parental authority, the child was a party to the commission of the offence or contributed, by committing a gross fault, to the interference with the parent's or person's integrity or to their death; the exception does not apply, however, if the child acted in that manner due to experiencing violence or a real threat of violence against the child;

(4) in the case of the spouse of a person who is a victim who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the person,

(a) the spouse was a party to the commission of the criminal offence or contributed, by committing a gross fault, to the interference with the person's integrity or to the person's death; the exception does not apply, however, if the spouse acted in that manner due to experiencing violence or a real threat of violence against the spouse or the spouse's child; or

(b) the person who is a victim who is deceased or suffers interference with their integrity was a party to the commission of the criminal offence or contributed, by committing a gross fault, to the interference with their integrity or to their death; the exception does not apply, however, if the spouse of the person who is deceased was experiencing violence or a real threat of violence against the spouse;

(5) in the case of a capable dependant of a person who is a victim who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the person, the dependant was a party to the commission of the criminal offence or contributed, by committing a gross fault, to the interference with the person's integrity or to the person's death; the exception does not apply, however, if the dependant is a minor and acted in that manner due to experiencing violence or a real threat of violence against the dependant;

(6) in the case of a close relation of a person who is a victim who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the person,

(a) the close relation was a party to the commission of the criminal offence or contributed, by committing a gross fault, to the interference with the person's integrity or to the person's death; or

(b) the person who is deceased or suffers interference with their integrity was a party to the commission of the criminal offence or contributed, by committing a gross fault, to the interference with their integrity or to their death; or

(7) in the case of a witness, the witness was a party to the commission of the criminal offence or contributed, by committing a gross fault, to the interference with the integrity of the person who is a victim or to the person's death.

**17.** A person who is a victim who qualifies as such under more than one subparagraph of the first paragraph of section 10 or section 11 is entitled to all the types of financial assistance provided for in this Title for each category of persons who are victims described in those subparagraphs, provided that, where the same type of assistance is offered for more than one category, no person receives the same type of assistance for more than one category at a time.

## **DIVISION III**

### **QUALIFICATION APPLICATION**

**18.** Every person who is a victim must be qualified to obtain financial assistance under this Title. To that end, they must file an application with the Minister to be qualified as a person who is a victim within the meaning of section 10 or 11.

For the purpose of filing a qualification application, the person who is a victim has the right to receive all information relating to the assistance the person is entitled to obtain under this Title. Likewise, throughout the application examination procedure, the person is entitled to be informed of the progress of the examination of the application.

**19.** A qualification application is filed in accordance with the conditions, standards and terms prescribed by a government regulation.

**20.** A qualification application must be filed within three years after the date on which the person who is a victim becomes aware of the injury they suffer due to the commission of the criminal offence or within three years after a death due to the commission of a criminal offence, as applicable.

A person who is a victim who fails to file the application within the prescribed time is presumed to have waived the right to any financial assistance provided for in this Title. This presumption may be rebutted if it is shown, among other things, that it was impossible for the person to act.

Despite the first paragraph, a qualification application may be filed at any time if it relates to the commission of a criminal offence involving violence suffered during childhood, a sexual aggression or spousal violence.

Awareness of the injury corresponds to the moment the person who is a victim becomes aware of the probable connection between their injury and the commission of the offence.

For the purposes of this section, an application is considered filed if it is complete, that is, if it provides all the information and documents required to qualify the person who is a victim.

A qualification application is valid for any subsequent injury related to the same event, as defined in the third paragraph of section 42.

**21.** A child who is a victim 14 years of age or over may file a qualification application alone.

If a parent of a child who is a victim under 14 years of age, or a person having parental authority over such a child, refuses or neglects to apply for qualification or is the perpetrator of the criminal offence that led to the qualification application, another person of full age may file the application for the child.

**22.** The qualification of a person who is a victim allows them to apply for any financial assistance for which they are eligible under this Title.

A qualified person who is a victim is granted financial assistance under this Title on meeting the eligibility conditions required for that financial assistance.

**23.** Nothing in this Act affects the right of a person who is a victim who has chosen to file a qualification application under this Title to recover from any person responsible for the injury suffered the amounts required to make up, with the financial assistance received, an amount equivalent to the loss actually sustained.

**24.** An application filed under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25) or the Act to promote good citizenship (chapter C-20) that is refused on the ground that it should have been filed under this Title is nevertheless deemed to have been validly filed under this Title.

**25.** A qualification application interrupts the prescription, provided for in the Civil Code, of the action by the person who is a victim for reparation of their injury until the day the Minister or, as applicable, the Administrative Tribunal of Québec renders a decision on the application.

**26.** A person who is a victim who filed a qualification application must notify the Minister without delay of any change in their situation that affects their qualification or their entitlement to financial assistance or that may affect the amount of that assistance.

The person must notify the Minister according to the conditions, standards and terms prescribed by a government regulation.

**27.** On the submission of a qualification application, the Minister is subrogated by operation of law to the rights of the person who is a victim up to the amount the Minister may be called on to pay to the person. The Minister may, in the Minister's own name or in the name of the person, continue or institute civil proceedings.

If the person chooses to take advantage of financial assistance under this Title, any agreements or compromises reached between the parties in relation to the civil proceedings or to the right to such proceedings are without effect until ratified by the Minister; payment of the amount agreed on or awarded must be made only in the manner indicated by the Minister.



A person who wilfully prevents the Minister from exercising a recourse as subrogee is required to repay the amount of the financial assistance received from the Minister. The Minister may recover that debt within three years after being deprived of the recourse.

An amount recovered under this section must be paid into the Consolidated Revenue Fund.

## **DIVISION IV**

### **OTHER PROVISIONS**

**28.** A person who is a victim may either obtain financial assistance under this Title or bring a civil action against any person responsible for the injury they suffer. The person may not receive both assistance under this Title and a sum awarded and collected for the same objects, sequelae or injuries. Any sum so awarded and collected, after deduction of the amounts incurred to obtain it, is deducted from the assistance paid under this Title or is reimbursed to the Minister.

The person who is a victim must, after bringing a civil action, notify the Minister of any sum awarded, sum collected and amount incurred referred to in the first paragraph.

However, if the sum so awarded or so collected is less than the amount of financial assistance the person could have obtained under this Title, they may, to make up the difference, be granted financial assistance provided for in this Title by filing an application to that effect with the Minister within the year following the date of the judgment; if the criminal offence concerned involves violence suffered during childhood, a sexual aggression or spousal violence, the application may be filed at any time.

The person must notify the Minister under the second paragraph or file the application provided for in the third paragraph according to the conditions, standards and terms prescribed by a government regulation.

In addition, a person who is a victim who, after filing a qualification application, brings a civil action against any person responsible for the injury they suffer must notify the Minister. The notice must be served on the Minister by a bailiff as soon as possible in the course of the proceeding, but at least 30 days before the case is ready for trial; the notice must be accompanied by all pleadings already filed in the record. The Minister becomes a party to the proceeding without further formality and may file conclusions to the court, in which case the court must rule on them.

**29.** The financial assistance to which a minor child is entitled is paid to the child's parent, the person having parental authority over the child or the child's tutor or curator, unless the child is 14 years of age or over and has filed the qualification application alone.

If the parent, person having parental authority, tutor or curator is the perpetrator of the criminal offence that led to the entitlement to the financial assistance, that assistance is paid solely to the other parent or to another person having parental authority or, if there is no other parent or person having parental authority, to another person of full age designated by the Minister. The designated person has, with respect to the administration of the financial assistance, the powers and duties of a tutor or curator, as applicable.

If an incapable person of full age is entitled to payment of financial assistance, the assistance is paid to the person's tutor or curator, as applicable, or, if there is no tutor or curator, to a person designated by the Minister; that person has the powers and duties of a tutor or curator, as applicable.

Notice is given to the Public Curator of any financial assistance with regard to an incapable person or to a minor child.

## **CHAPTER II**

### **LUMP SUM**

#### **DIVISION I**

##### **ELIGIBLE PERSONS WHO ARE VICTIMS**

**30.** The following qualified persons who are victims are, in accordance with a government regulation and subject to section 31, eligible for payment of a lump sum:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased due to the commission of a criminal offence against the child, or a person who had parental authority over the child;

(3) a parent of a child of full age who is deceased due to the commission of a criminal offence against the child if, at the time of death, the child did not have a spouse or child or, despite the child having a spouse or child, the child's parent provided for more than 50% of the child's needs;

(4) a child of a parent who is deceased due to the commission of a criminal offence against the parent, or a child over whom a person who is deceased due to the commission of a criminal offence had parental authority;

(5) the spouse of a person who is deceased due to the commission of a criminal offence against the person;

(6) a dependant of a person who is deceased due to the commission of a criminal offence against the person;

(7) an intervening person referred to in paragraph 1 or 2 of section 11;

(8) a parent of a minor child who is deceased, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person who had parental authority over the child;

(9) a parent of a child of full age who is deceased, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, if, at the time of death, the child did not have a spouse or child or, despite the child having a spouse or child, the child's parent provided for more than 50% of the child's needs;

(10) a child of a parent who is deceased, in a case where the parent is an intervening person referred to in paragraph 1 or 2 of section 11, or a child over whom such an intervening person who is deceased had parental authority;

(11) the spouse of a person who is deceased, in a case where the person was an intervening person referred to in paragraph 1 or 2 of section 11; and

(12) a dependant of a person who is deceased, in a case where the person was an intervening person referred to in paragraph 1 or 2 of section 11.

The spouse referred to in subparagraph 5 or 11 of the first paragraph or the dependant referred to in subparagraph 6 or 12 of that paragraph is the one who, at the time of death of the person mentioned in those subparagraphs, meets the conditions for “**spouse**” or “**dependant**” set out in the first paragraph of section 13.

For the purposes of this division, a child yet unborn at the time of the death is considered to be a child who is entitled to the lump sum under subparagraph 4 or 10 of the first paragraph, as applicable, due to the death of the person mentioned in those subparagraphs, if the child is born alive and viable.

An eligible person who is a victim is entitled to the lump sum established in accordance with a government regulation, in accordance with the conditions, standards, amounts and terms prescribed in the regulation.

**31.** In addition to the conditions prescribed by a government regulation, a person who is a victim mentioned in subparagraph 1 or 7 of the first paragraph of section 30 is eligible for payment of a lump sum if a health assessment reveals

(1) that they suffer injury, consisting in loss of enjoyment of life, pain, mental suffering or other unfavourable consequences suffered due to the commission of a criminal offence against them or consisting in functional or cosmetic impairment due to the commission of that offence; and

(2) that they suffer permanent sequelae caused by that injury.

A person who is a victim mentioned in any of the other subparagraphs of the first paragraph of section 30 is entitled to payment of a lump sum due to the death of the person mentioned in those paragraphs.

## **DIVISION II**

### **ESTABLISHMENT AND PAYMENT OF LUMP SUM**

**32.** The Government prescribes, by regulation, the method for establishing the lump sum. That sum may vary according to the person who is a victim or to any other criteria the Government determines.

The amounts considered for the establishment of the lump sum are those in force on the date the lump sum is established.

**33.** The lump sum is established after a health assessment confirms the sequelae of injuries for which there is no possibility of significant improvement or after the death is pronounced or presumed.

Despite the first paragraph, the lump sum may, in accordance with the regulation, include an amount that covers loss of enjoyment of life, pain, mental suffering or other unfavourable consequences that are temporary.

**34.** The lump sum is paid after it is established.

At the request of an eligible person who is a victim, the lump sum may be paid over a 12-month or 24-month period, in the form of equal periodic payments, that together correspond to the amount of the lump sum indemnity, to which interest determined by a government regulation is added. The terms of payment are prescribed in the regulation.

**35.** If the sequelae confirmed under section 33 worsen, the person who is a victim may have the worsening recognized and request a re-assessment of the lump sum established.

The re-assessment is carried out after a health assessment confirms the worsening of the sequelae for which there is no possibility of significant improvement.

## **CHAPTER III**

### **FINANCIAL ASSISTANCE COMPENSATING A LOSS OF INCOME**

#### **DIVISION I**

##### **ELIGIBLE PERSONS WHO ARE VICTIMS**

**36.** The following qualified persons who are victims are, in accordance with a government regulation and subject to section 37, eligible for payment of

financial assistance compensating a loss of income resulting from an incapacity to hold an employment, perform work or assume the functions of an occupation, from which they derived an income:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the child, or a person having parental authority over the child;

(3) a witness to the commission of a criminal offence or to the intact scene of the offence after it was committed, within the meaning of subparagraph 7 of the first paragraph of section 10;

(4) an intervening person referred to in paragraph 1 or 2 of section 11; and

(5) a parent of a minor child who is deceased or suffers interference with their integrity, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person having parental authority over the child.

The regulation provided for in the first paragraph prescribes the other standards and terms relating to financial assistance compensating a loss of income.

**37.** A person who is a victim mentioned in section 36 is eligible for financial assistance compensating a loss of income if

(1) at the time of the health assessment mentioned in subparagraph 2, they

(a) held an employment, performed work or assumed the functions of an occupation from which they derived an income;

(b) had an employment relationship with an employer and the first day of employment or day of return to work was determined or foreseeable; or

(c) held an employment, performed work or assumed the functions of an occupation from which they derived an income within the 12-month period preceding the health assessment referred to in paragraph 2 and have ceased to hold that employment, perform that work or assume the functions of that occupation due to the commission of the criminal offence of which they are a victim;

(2) a health assessment confirms that, due to the commission of the criminal offence of which they are a victim, they are unable to hold their employment, perform their work or assume the functions of their occupation from which they derived an income and that employment or work or those functions are referred to in any of subparagraphs *a* to *c* of paragraph 1; and

(3) the application for financial assistance compensating a loss of income is filed within 12 months after the health assessment.

## **DIVISION II**

### **ESTABLISHMENT AND PAYMENT OF FINANCIAL ASSISTANCE COMPENSATING A LOSS OF INCOME**

**38.** Financial assistance compensating a loss of income is established considering, as applicable and according to the most advantageous situation:

(1) the net annual income the person who is a victim earned from their employment, work or occupation referred to in subparagraph *a* of paragraph 1 of section 37, at the time of the health assessment;

(2) the net annual income the person would earn from their employment if, at the time of the health assessment, they had held the employment referred to in subparagraph *b* of paragraph 1 of section 37; or

(3) the net income the person obtained during the 12 months preceding the health assessment, if they are in the situation described in subparagraph *c* of paragraph 1 of section 37.

The net income of the person that is referred to in the first paragraph is equal to their gross income for the year derived from an employment, work or occupation and for which the applicable fiscal laws are complied with, less an amount equivalent to the income tax established under the Taxation Act (chapter I-3) and the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), the employee's premium payable under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23), the worker's premium established under the Act respecting parental insurance (chapter A-29.011) and the worker's contribution established under the Act respecting the Québec Pension Plan (chapter R-9); the net income is calculated according to the method determined in section 63 of the Act respecting industrial accidents and occupational diseases, with the necessary modifications.

For the purpose of the second paragraph, the gross income that, through concealment, eludes the payment of taxes and social contributions, is deemed equal to zero.

For the purposes of the deductions provided for in the second paragraph, whether or not the person has a spouse or dependants on the date of the application, and, if applicable, the number of dependants, are taken into account.

If the person who is in the situation referred to in subparagraph 3 of the first paragraph received employment insurance benefits, salary insurance benefits, parental insurance benefits or income replacement indemnities from the Commission des normes, de l'équité, de la santé et de la sécurité du travail or from the Société de l'assurance automobile du Québec or received any other benefit or indemnity intended to compensate a loss of income during that period, those benefits and indemnities must be considered in calculating the gross income established on the basis of the 12 months preceding the disability.

If a person who is in a situation described in either subparagraph *a* or *b* of paragraph 1 of section 37 is receiving employment insurance or parental insurance benefits, payment of financial assistance compensating a loss of income is suspended until those benefits cease to be paid.

**39.** Where it is shown, after payment of financial assistance compensating a loss of income has begun, that the gross income considered for the purpose of establishing the financial assistance for the year concerned is not the actual gross income to be considered, the establishment of the financial assistance is revised.

For the purposes of this section, the Minister may require any person who is a victim to provide, in the year following the year in which the financial assistance was established, proof of their gross income for the year concerned. Such proof may be in the form of any document that supports such income, including the notice of assessment for the fiscal return filed for the preceding year in accordance with section 1000 of the Taxation Act or any similar document produced by a competent fiscal authority.

**40.** Financial assistance compensating a loss of income is annual and is equivalent to 90% of the net income of the person who is a victim, as established in accordance with section 38.

Despite the first paragraph, if the person's gross income exceeds \$78,500, the financial assistance is equivalent to 90% of the net income established on the basis of that gross income. The third, fourth and fifth paragraphs of section 38 apply, with the necessary modifications, to that establishment.

The amount provided for in the second paragraph is indexed, by operation of law, on 1 January of each year, according to the annual adjustment rate of the average weekly earnings of the industrial composite in Québec, for the 12-month period ending on 1 July of the preceding year, as established by Statistics Canada on 1 October.

The amount so indexed is rounded up to the next multiple of \$500; the Minister publishes the result in the *Gazette officielle du Québec*.

If the data provided by Statistics Canada is incomplete on 1 October of a year, the most recent data available may then be used.

If Statistics Canada uses a new method to determine the average weekly earnings, the calculation of the amount is adjusted according to the evolution of the average weekly earnings from 1 January of the year following the change of method.

**41.** Financial assistance compensating a loss of income is paid once every two weeks from the date of the health assessment. However, if a person continued, despite that assessment, to hold their employment, perform their work or assume the functions of their occupation from which they derived an income, the financial assistance is paid from the time they actually ceased to hold the employment, perform the work or assume the functions of the occupation.

The amount of the payments provided for in the first paragraph is indexed, by operation of law, on the date of each annual anniversary of the date on which payments began, in the manner prescribed by section 40; consequently, the third, fourth, fifth and sixth paragraphs of that section apply to the indexation.

### **DIVISION III**

#### **TERM OF FINANCIAL ASSISTANCE**

**42.** Financial assistance compensating a loss of income is paid, for the same event, for a maximum period of three years, whether consecutive or not,

(1) to a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) to an intervening person referred to in paragraph 1 or 2 of section 11; and

(3) to a parent or person having parental authority referred to in subparagraph 2 or 5 of the first paragraph of section 36, where the child mentioned in those paragraphs is deceased.

Financial assistance compensating a loss of income is paid, for the same event, for a maximum period of two years, whether consecutive or not,

(1) to a parent or person having parental authority referred to in subparagraph 2 or 5 of the first paragraph of section 36, where the child mentioned in those paragraphs suffers interference with their integrity due to the commission of a criminal offence; and

(2) to the witness referred to in subparagraph 3 of the first paragraph of section 36.

The following are considered the same event:

(1) one or more offences of the same type committed on one and the same day by the same perpetrator or by different perpetrators;



(2) the same offence or the same type of offence committed repeatedly over two or more days, whether consecutive or not, by the same perpetrator in similar contexts, in particular, where the offence involves violence suffered during childhood, a sexual aggression or spousal violence; and

(3) one or more offences committed on an ongoing basis over more than one day by the same perpetrator or by different perpetrators.

Despite the preceding paragraphs, if a new application for financial assistance compensating a loss of income is made, in relation to a new event, in the period during which a person who is a victim is already receiving such financial assistance in relation to another event, the person is entitled to payment of that financial assistance for a new period of two or three years, as applicable, that begins on the date of the new disability and that replaces, from then on, the period that had previously begun.

**43.** Despite section 42, a person who is a victim ceases to be entitled to financial assistance compensating a loss of income or incurs a suspension of that assistance

(1) if they become able to hold an employment, perform work or assume the functions of an occupation from which they derive an income and which involves the same number of hours or generates at least the same income that they derived from their employment, work or occupation before the health assessment referred to in paragraph 2 of section 37, subject to cases where they may continue to benefit from that financial assistance within the context of their vocational rehabilitation;

(2) if they refuse or neglect to participate in obtaining the care required for their recovery or to follow medical prescriptions; or

(3) on their death.

**44.** If a person who is a victim begins or resumes holding employment, performing work or assuming the functions of an occupation progressively or, temporarily, with shorter hours, following a medical prescription to that effect, the financial assistance compensating a loss of income is reduced by an amount corresponding to the net income the person earns for that employment, work or occupation.

## **CHAPTER IV**

### **FINANCIAL ASSISTANCE FOR PSYCHOTHERAPEUTIC OR PSYCHOSOCIAL REHABILITATION**

**45.** The purpose of psychotherapeutic or psychosocial rehabilitation is to remove or lessen the mental hardship encountered by a person who is a victim.

**46.** Persons who are victims mentioned in section 10 or 11 who are qualified are, in accordance with a government regulation, eligible for the reimbursement of the expenses they incur for their psychotherapeutic or psychosocial rehabilitation that, subject to the fourth paragraph of section 59, are not covered by another public plan.

For the purposes of the first paragraph, a spouse or a close relation is a person who, on the earliest of the following dates, meets the conditions for “**spouse**” or “**close relation**” set out in the first paragraph of section 13:

(1) the date of the qualification application filed by that spouse or close relation; or

(2) the date of the qualification application filed by the person who is a victim.

The regulation provided for in the first paragraph prescribes the conditions, standards, amounts and terms relating to the reimbursement of expenses. Likewise, it may determine the professionals with whom the expenses must be incurred in order to be eligible for reimbursement.

Every organization that is a party to an agreement with the Minister and who, under that agreement, incurs expenses for the psychotherapeutic or psychosocial rehabilitation of a person who is a victim referred to in the first paragraph is entitled to the reimbursement of those expenses according to the terms and conditions set out in the agreement.

**47.** In addition to what is provided for in this chapter and by a government regulation, the Minister may take all measures necessary, including other financial measures, to contribute to the psychotherapeutic or psychosocial rehabilitation of a person who is a victim.

## **CHAPTER V**

### **FINANCIAL ASSISTANCE FOR PHYSICAL REHABILITATION**

**48.** The purpose of physical rehabilitation is to remove or lessen the physical disability of a person who is a victim and to enable the person to develop their residual capacity in order to compensate for the functional limitations resulting from the injury suffered.

Physical rehabilitation includes all measures that could help remove or lessen the disability resulting from the injury the person suffers.

**49.** The following qualified persons who are victims are, in accordance with a government regulation, eligible for the reimbursement of the expenses they incur for their physical rehabilitation that, subject to the fourth paragraph of section 59, are not covered by another public plan:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased due to the commission of a criminal offence against the child, or a person who had parental authority over the child;

(3) an intervening person referred to in paragraph 1 or 2 of section 11; and

(4) a parent of a minor child who is deceased, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person who had parental authority over the child.

The regulation provided for in the first paragraph prescribes the conditions, standards, amounts and terms relating to the reimbursement of expenses. Likewise, it may determine the professionals with whom the expenses must be incurred in order to be eligible for reimbursement.

**50.** In addition to what is provided for in this chapter and by a government regulation, the Minister may take all measures necessary, including other financial measures, to contribute to the physical rehabilitation of a person who is a victim.

## **CHAPTER VI**

### **FINANCIAL ASSISTANCE FOR VOCATIONAL REINTEGRATION**

**51.** The following qualified persons who are victims are, in accordance with a government regulation, eligible for payment of the amounts prescribed or for reimbursement of the expenses incurred for their vocational reintegration that, subject to the fourth paragraph of section 59, are not covered by another public plan:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased or suffers interference with their integrity due to the commission of a criminal offence against the child, or a person having parental authority over the child;

(3) a witness to the commission of a criminal offence or to the intact scene of the offence after it was committed, within the meaning of subparagraph 7 of the first paragraph of section 10;

(4) an intervening person referred to in paragraph 1 or 2 of section 11; and

(5) a parent of a minor child who is deceased or suffers interference with their integrity, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person having parental authority over the child.

The amounts and expenses referred to in the first paragraph are, in particular, those paid or incurred for

(1) vocational potential evaluation services;

(2) resuming, or beginning new, secondary-level vocational training or post-secondary-level education;

(3) vocational training;

(4) assistance in finding employment;

(5) additional financial assistance compensating a loss of income;

(6) the adaptation of a work station or other equipment used for work; and

(7) relocation near a new place of employment.

The regulation provided for in the first paragraph prescribes the conditions, standards, amounts and terms relating to payment of the amounts and reimbursement of the expenses. Likewise, it may determine the professionals with whom the expenses must be incurred in order to be eligible for reimbursement.

**52.** In addition to what is provided for in this chapter and by a government regulation, the Minister may take all measures necessary, including other financial measures, to contribute to the vocational reintegration of a person who is a victim.

## **CHAPTER VII**

### **FINANCIAL ASSISTANCE FOR SOCIAL REINTEGRATION**

**53.** The following qualified persons who are victims are, in accordance with a government regulation, eligible for the reimbursement of the expenses they incur for their social reintegration that, subject to the fourth paragraph of section 59, are not covered by another public plan:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased due to the commission of a criminal offence against the child, or a person who had parental authority over the child;

(3) a witness to the commission of a criminal offence or to the intact scene of the offence after it was committed, within the meaning of subparagraph 7 of the first paragraph of section 10;

(4) an intervening person referred to in paragraph 1 or 2 of section 11; and

(5) a parent of a minor child who is deceased, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person who had parental authority over the child.

The expenses referred to in the first paragraph are, in particular, those incurred for

(1) the person's relocation;

(2) the person's protection;

(3) professional psychosocial intervention services;

(4) services for at-home assistance or for assistance in performing the tasks required to provide for the person's needs;

(5) child care services; and

(6) housekeeping services.

The regulation provided for in the first paragraph prescribes the conditions, standards, amounts and terms relating to the reimbursement of the expenses. Likewise, it may determine the professionals with whom the expenses must be incurred in order to be eligible for reimbursement.

**54.** In addition to what is provided for in this chapter and by a government regulation, the Minister may take all measures necessary, including other financial measures, to contribute to the social reintegration of a person who is a victim.

## **CHAPTER VIII**

### **FINANCIAL ASSISTANCE FOR MEDICAL ASSISTANCE**

**55.** The following qualified persons who are victims are, in accordance with a government regulation, eligible for the reimbursement of certain expenses they incur to obtain medical assistance that, subject to the fourth paragraph of section 59, are not covered by another public plan:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased due to the commission of a criminal offence against the child, or a person who had parental authority over the child;

(3) an intervening person referred to in paragraph 1 or 2 of section 11; and

(4) a parent of a minor child who is deceased, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person who had parental authority over the child.

The expenses referred to in the first paragraph are those required, from a medical point of view,

(1) to obtain medications or other pharmaceutical products; or

(2) to obtain a visual aid, hearing aid or communication device, or a device or other equipment that compensates for a physical deficiency, including the repair or replacement of such an aid or device or such equipment.

The government regulation provided for in the first paragraph prescribes the conditions, standards, amounts and terms relating to the reimbursement of those expenses. Likewise, it may determine the professionals with whom the expenses must be incurred in order to be eligible for reimbursement.

## **CHAPTER IX**

### **FINANCIAL ASSISTANCE TO CONTRIBUTE TO SUPPORT FOR A CHILD BORN AS A RESULT OF A SEXUAL AGGRESSION**

**56.** A mother who, alone, provides for the needs of a child who was born alive and viable and whose conception results from a sexual aggression is eligible for payment of financial assistance aimed at contributing to payment of support for the child.

However, if it is shown that another person provides for the child's needs, the assistance is paid to that other person.

Sections 18 to 26 do not apply to an application made under this section.

The conditions, standards, amounts and terms relating to payment of that assistance are prescribed by a government regulation.

## **CHAPTER X**

### **FINANCIAL ASSISTANCE IN THE FORM OF A REIMBURSEMENT OF CERTAIN MISCELLANEOUS EXPENSES**

**57.** The following qualified persons who are victims are, in accordance with a government regulation, eligible for the reimbursement of certain miscellaneous expenses they incur due to, or incurred before, the commission of a criminal offence:

(1) a person who suffers interference with their integrity due to the commission of a criminal offence against them;

(2) a parent of a minor child who is deceased due to the commission of a criminal offence against the child, or a person who had parental authority over the child;

(3) a witness to the commission of a criminal offence or to the intact scene of the offence after it was committed, within the meaning of subparagraph 7 of the first paragraph of section 10;

(4) an intervening person referred to in paragraph 1 or 2 of section 11; and

(5) a parent of a minor child who is deceased, in a case where the child is an intervening person referred to in paragraph 1 or 2 of section 11, or a person who had parental authority over the child.

The expenses referred to in the first paragraph are

(1) those for the cleaning, repair or replacement of clothing worn at the time of the commission of the offence and which was damaged as a result of that offence; and

(2) all other expenses provided for by a government regulation.

The regulation mentioned in the first paragraph prescribes the eligible expenses and the standards, amounts and terms relating to the reimbursement of those expenses.

**58.** In addition, the following persons are eligible, in accordance with a government regulation, for the reimbursement of the expenses they assume due to the commission of a criminal offence:

(1) an intervening person who sustained material injury while acting in the circumstances described in paragraph 1 or 2 of section 11;

(2) a person who paid the funeral expenses, or the expenses for transportation of the remains, of a person who is a victim referred to in subparagraph 1 of the first paragraph of section 10 or in paragraph 1 or 2 of section 11; and

(3) a natural person who assumed the costs for cleaning the place in a private residence where a criminal offence was committed.

The funeral expenses reimbursed, if applicable, under the Act respecting the Québec Pension Plan are deducted from the reimbursement of funeral expenses provided for in subparagraph 2 of the first paragraph.

Sections 18 to 26 do not apply to an application for reimbursement of expenses made under this section.

The regulation mentioned in the first paragraph prescribes the conditions, standards, amounts and terms relating to the reimbursement of those expenses and to the application for reimbursement.

## **CHAPTER XI**

### **FINANCIAL ASSISTANCE OR OTHER AMOUNTS PAID UNDER ANOTHER PLAN**

**59.** Any indemnity, benefit or other pecuniary advantage paid to a person under another public plan makes them ineligible for financial assistance under this Title if that assistance relates to the same objects, sequelae or injuries. The other public plans include, in particular, the ones established by the following Acts:

- (1) the Automobile Insurance Act;
- (2) the Act respecting industrial accidents and occupational diseases;
- (3) the Act respecting the conservation and development of wildlife (chapter C-61.1); and
- (4) the Act to promote good citizenship.

Likewise, any financial assistance paid to a person under this Title makes that person ineligible for payment of any indemnity, benefit or other pecuniary advantage under another public plan if that assistance relates to the same objects, sequelae or injuries.

Despite the first paragraph, a person who is a victim within the meaning of this Title due to a criminal offence committed using a motor vehicle could remain eligible for any financial assistance under this Title. The person must choose the application of either one plan or the other. That choice must be made in accordance with a government regulation.



For the purposes of sections 46, 49, 51, 53 and 55, financial assistance granted under the Individual and Family Assistance Act (chapter A-13.1.1) is not considered to be paid under another public plan. In addition, at the request of the Minister of Employment and Social Solidarity, any amount repayable under section 90 of the Individual and Family Assistance Act is deducted from the financial assistance paid under this Title and remitted to that minister.

Except in the case of the plans provided for in the Automobile Insurance Act or the Act respecting industrial accidents and occupational diseases and despite the preceding paragraphs, if a person who is a victim is not eligible for financial assistance provided for in this Title because they are receiving financial assistance or an indemnity, benefit or other pecuniary advantage paid under another public plan and the amount they are receiving is less than the amount they would be entitled to receive under this Title, they are entitled to the difference between the two amounts.

If a person is eligible for both financial assistance under this Title and financial assistance or an indemnity, benefit or other pecuniary advantage under any of the plans referred to in subparagraphs 1 to 4 of the first paragraph, the decision under those plans must be rendered jointly and must distinguish between the financial assistance, indemnity, benefit or other pecuniary advantage paid under each of the Acts concerned by those plans.

**60.** A person who believes they have been wronged by a decision rendered under section 59 may choose to contest it in accordance with this Act or with the Act governing the other plan, as applicable.

Contestation under one of those Acts prevents contestation under the other Acts and the decision rendered following the contestation is valid with respect to each plan and each Act concerned.

**61.** The amount of all damages paid to a person who is a victim under section 738 of the Criminal Code is deducted from the amount of financial assistance for which the person is eligible under this Title if the damages are paid for the same objects, sequelae or injuries as those covered by the financial assistance.

Any person who receives such damages must, in accordance with a government regulation, inform the Minister as soon as their qualification application is filed or as soon as the damages are received if they are received after that application.

## **CHAPTER XII**

### **CRIMINAL OFFENCES COMMITTED OUTSIDE QUÉBEC**

**62.** Despite section 12, any person who is a victim referred to in any of subparagraphs 1 to 6 of the first paragraph of section 10 is eligible for financial assistance provided for in this Title if the criminal offence was committed outside Québec, according to the conditions set out in this chapter.

For the purposes of this chapter, any offence that, if committed in Canada, would be a criminal offence within the meaning of the corresponding definition in the first paragraph of section 13, regardless of whether it is a criminal offence in the foreign State in whose territory it is committed, is considered a criminal offence.

**63.** In addition to the eligibility conditions set out in this Title with respect to each type of financial assistance, a person referred to in subparagraph 1 of the first paragraph of section 10 who is a victim of a criminal offence committed outside Québec or a person who is deceased or suffers interference with their integrity due to a criminal offence committed outside Québec and who is mentioned in subparagraphs 2 to 6 of that paragraph must meet the following conditions:

(1) be a Canadian citizen within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29) or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) at the time the criminal offence is committed;

(2) have been domiciled in Québec for at least six consecutive months at the time the criminal offence is committed;

(3) not have stayed outside Québec for more than 183 days in the year preceding the commission of the criminal offence;

(4) in the case of a person who is a victim referred to in subparagraph 1 of the first paragraph of section 10, meet the conditions set out in subparagraphs 1 and 2 of this paragraph at the time the qualification application is filed; and

(5) in the case of a person who is a victim referred to in subparagraph 1 of the first paragraph of section 10, have reported the criminal offence to the authorities of the foreign State in whose territory the criminal offence occurred; if the person was unable to report the criminal offence because it is not such an offence in that foreign State, the person must declare under oath that the criminal offence was committed.

The Government determines, by regulation, the other eligibility conditions for persons who are victims where the criminal offence against them was committed outside Québec as well as the terms governing the application of those conditions.

**64.** If a financial assistance plan for persons who are victims exists in the foreign State in whose territory the criminal offence was committed, and the criminal offence concerned is covered by that plan, the person who is a victim must choose to be subject to either the plan set out in this Title or the plan of that foreign State.

The person may not receive both financial assistance under this Title and financial assistance under the plan of a foreign State referred to in the first paragraph. Nor may the person obtain the difference between the amount of financial assistance paid under this Title and the amount to which they are eligible under another plan.

**65.** The person who is a victim may not receive both financial assistance under this Title and financial assistance for the same objects, sequelae or injuries under the plan of another province or a territory of Canada. The person must file an application in the province or territory in which the criminal offence was committed. However, if the amount to which the person is eligible under the plan of the other province or the territory is less than the amount of the financial assistance to which they would be entitled under this Title for the same objects, sequelae or injuries, the person may, to make up the difference, apply for the financial assistance provided for in this Title.

## **CHAPTER XIII**

### **POWERS AND DECISIONS OF THE MINISTER**

#### **DIVISION I**

##### **POWERS OF THE MINISTER**

**66.** The Minister may, at the Minister's expense, require a person filing an application under this Title to undergo an examination by a health professional chosen by the Minister.

**67.** The health professional who examines a person at the Minister's request must report to the Minister on the state of health of the person and on any other matter for which the examination was required.

The Minister must, on receiving the report, transmit a copy to any health professional designated by the person who underwent the examination referred to in the first paragraph.

**68.** Every institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) or every health professional who has treated a person following the commission of a criminal offence or who has been consulted by a person following the commission of such an offence must, at the Minister's request, report on their findings, treatment or recommendations to the Minister.

The report must be sent within six days following the Minister's request.

The health professional referred to in the first paragraph must also provide to the Minister, within the same time limit, any other report requested by the Minister with respect to that person.

This section applies despite section 19 of the Act respecting health services and social services or section 7 of the Act respecting health services and social services for Cree Native persons.

**69.** The Minister may transact if the subject matter and circumstances of a case so permit.

## **DIVISION II**

### **DECISIONS OF THE MINISTER**

**70.** Any decision the Minister makes under this Title is rendered in writing.

The decision must include reasons. It must state the right to apply for a review and the time limit for doing so, except where the decision grants the maximum financial assistance to which a person who is a victim is entitled.

**71.** On receiving a qualification application, if the Minister is of the opinion that the person filing the application needs financial assistance immediately and that the assistance will probably be granted under this Title, the Minister may pay part of it to the person in advance.

The Government determines, by regulation, the terms and conditions of the advance payment, which may vary according to the type of financial assistance concerned.

**72.** The Minister may, before rendering a decision, wait for the outcome of an investigation conducted by an administrative authority or the decision of such an authority or a judicial authority.

**73.** As long as a decision of the Minister has not been the subject of a review or contestation, the Minister may, on the Minister's own initiative or on request, reconsider the decision

(1) if it was rendered before an essential fact became known or it is based on an error pertaining to an essential fact;

(2) if a substantive or procedural defect is likely to invalidate it; or

(3) if a change in circumstances affects the qualification of a person who is a victim, the person's entitlement to financial assistance or the establishment of the financial assistance.

The Minister may, in the same manner, correct the decision if it contains an error in writing or in calculation or any other clerical error.

The new decision replaces the initial decision, which ceases to have effect. The provisions of Division III that concern review and contestation apply to the new decision.

**74.** The Minister may refuse an application under this Title, reduce the amount of financial assistance or suspend or cease payment of the assistance if a person

(1) wilfully provides false or inaccurate information;

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

(3) refuses or neglects to undergo an examination by a health professional as required by the Minister.

### **DIVISION III**

#### **REVIEW AND CONTESTATION**

**75.** Except where a decision grants the maximum amount of financial assistance to which a person who filed an application is entitled, the person may, within 60 days after the Minister's decision, made under section 70, is communicated to the person, apply for a review of the decision.

The application for review must state the main grounds on which it is based and the decision to which it pertains. The Government determines, by regulation, the terms and conditions relating to an application for review, which may vary according to the financial assistance concerned.

An application for review does not suspend the execution of the Minister's decision.

**76.** The review is carried out by the person designated for that purpose by the Minister.

**77.** No application for review may be refused on the ground that it was not received within the time prescribed if the applicant demonstrates that they had serious and valid reasons for not complying with the time limit.

**78.** A designated person who is seized of an application for review may render any decision that could have been rendered initially, after giving the applicant the opportunity to submit observations and, if need be, produce any documents to complete their record.

**79.** The review decision must include reasons and be communicated to the applicant in writing. It must mention the right to contest the decision before the Administrative Tribunal of Québec.

**80.** Any decision that was the subject of a review may be contested before the Administrative Tribunal of Québec, except in the case of a review decision that grants the maximum amount of financial assistance to which a person who is a victim is entitled.

Despite the first paragraph, a person may contest before the Tribunal the decision whose review they applied for if the review decision was not rendered within 90 days after receipt of the application, subject to the following:

(1) if the person who applied for the review requested more time to submit observations or produce documents, the 90-day time limit runs from the time observations are submitted or documents are produced; and

(2) if the designated person considers that an examination by a health professional or the production of documents is necessary for a decision to be rendered, the time limit is extended for 90 days; the person who applied for the review must be notified of the extension.

#### **TITLE IV**

##### **ASSISTANCE PROGRAM FOR EMERGENCY SITUATIONS**

**81.** The Minister may establish an assistance program for emergency situations that allows persons whose life or safety, or the life or safety of their child or any other of their dependants, is threatened to benefit, according to the limits of application and the terms and conditions set out in the program, from measures relating, in particular,

(1) to assistance in relocating;

(2) to the provision of subsistence goods to respond to certain immediate needs; and

(3) their safety or the safety of their child or any other of their dependants.

**82.** Section 16 applies to assistance in emergency situations, with the necessary modifications.

#### **TITLE V**

##### **RECOVERY OF FINANCIAL ASSISTANCE**

**83.** Persons who are victims who have received financial assistance to which they are not entitled or the amount of which exceeds the amount to which they are entitled must repay to the Minister the amounts received without entitlement. However, financial assistance already paid does not need to be repaid, unless it was obtained in bad faith,

(1) where the Minister reconsiders the decision because it was rendered before an essential fact became known, because it is based on an error pertaining to an essential fact or because a substantive or procedural defect is likely to invalidate it; or

(2) where, following a review or a contestation, the Minister or the Administrative Tribunal of Québec renders a decision that has the effect of cancelling financial assistance or reducing its amount.

The Minister may recover the debt within three years after payment of the financial assistance or, in a case of bad faith, within three years of becoming aware of the bad faith.

**84.** The Minister sends the debtor a formal notice stating the amount and the reasons for the payability of the debt and the debtor's right to apply for a review of the decision.

The debt is payable as soon as the decision on the debt becomes enforceable.

**85.** If the debtor is still receiving financial assistance provided for by this Act, the Minister may offset the debt by deducting up to 25% from any amount of financial assistance if the debtor has no dependants, up to 20% if the debtor has one dependant and up to 15% if the debtor has more than one dependant, unless the debtor consents to the Minister deducting more.

The definitions in the first paragraph of section 13 apply to the provisions of this Title.

**86.** If the debtor fails to repay the debt, the Minister may, within 30 days after the due date of the debt or as of that date if the Minister is of the opinion that the debtor is attempting to evade payment, issue a certificate attesting

- (1) the debtor's name and address,
- (2) the amount of the debt, and
- (3) the date of the final decision establishing the payability of the debt.

**87.** On the filing of the certificate referred to in section 86 in the office of the court of competent jurisdiction, the decision of the Minister or the Administrative Labour Tribunal of Québec becomes enforceable as if it were a final decision of that court and has all the effects of such a decision.

**88.** The Minister's formal notice interrupts the prescription provided for in the third paragraph of section 27 and in the second paragraph of section 83.

**89.** The Minister may remit all or part of any debt provided for in this Title if the Minister considers that the amount is unrecoverable or if the Minister considers it fair to do so, in particular due to the debtor's good faith or financial situation.

**90.** An amount recovered under this Title is paid into the Consolidated Revenue Fund.

## **TITLE VI**

### **EFFECT OF FINDING OF GUILT**

**91.** If a person is found guilty of a criminal offence, the finding of guilt constitutes, for that offence, a presumption that the person found guilty is, for the purposes of this Act, responsible for the interference with the integrity of the person who is a victim and injuries that person suffers due to the criminal offence and a presumption that the value of that interference and the value of those injuries are at least equal to the amounts paid by the Minister as financial assistance to the person who is a victim.

## **TITLE VII**

### **ADMINISTRATIVE AND FINANCIAL PROVISIONS**

#### **CHAPTER I**

##### **AGREEMENTS**

**92.** The Minister may, in accordance with the law, enter into an agreement relating to support and financial assistance for persons who are victims of criminal offences 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.

**93.** The Minister may enter into an agreement with any person or any public or private body in relation to the application of this Act.

A person or body that is a party to such an agreement may exercise, according to the terms and conditions set out in the agreement, any power or responsibility conferred on the Minister by this Act. The person or body may likewise perform any act permitted under this Act.

In such a case, the person or body has all the obligations incumbent on the Minister under this Act.



**94.** The Minister enters into an agreement with the Société de l'assurance automobile du Québec and the Commission des normes, de l'équité, de la santé et de la sécurité du travail to establish a procedure for processing financial assistance applications filed under this Act regarding which the circumstances involve situations or matters also covered by the Automobile Insurance Act or the Act respecting industrial accidents and occupational diseases.

Such an agreement must make it possible

(1) to distinguish between the types of impairment, injury and sequelae governed by any of those Acts;

(2) to determine entitlement to and the amount of the financial assistance, indemnities, benefits or other pecuniary advantages payable under each of the applicable Acts;

(3) to determine the financial assistance, indemnities, benefits or other pecuniary advantages to be paid by each authority concerned and specify the cases, amounts and repayment procedures between authorities; and

(4) to settle disputes regarding the application of the plans under those Acts that may arise between the Minister and the bodies mentioned in the first paragraph.

## **CHAPTER II**

### **INVESTIGATION**

**95.** The Minister may investigate any matter relating to financial assistance provided for by this Act and may designate investigators for that purpose.

In exercising those powers, the Minister or any designated investigator has, for the purposes of the investigation, the powers and immunities of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

No legal proceedings may be brought against investigators for any act or omission in good faith in the exercise of their functions.

**96.** Investigators must, on request, identify themselves and produce a certificate of authority issued by the Minister.

## **CHAPTER III**

### **OTHER ADMINISTRATIVE AND FINANCIAL PROVISIONS**

**97.** The regulatory standards prescribed under this Act may be established according to any distinction considered useful, including according to categories of persons who are victims or types of financial assistance.

**98.** The Minister may delegate, to a person the Minister designates, the exercise of the powers conferred on the Minister by this Act or delegated to the Minister under this Act.

**99.** A police force may communicate any information to the Minister or to an assistance centre for persons who are victims of criminal offences that is recognized under section 8, including personal information relating to the person who is a victim that is contained in an event report or a related document, if the information is necessary for the purposes of this Act.

**100.** An office dedicated to assisting persons who are victims of criminal offences is established at the Ministère de la Justice. The office is composed of public servants designated by the Minister.

The mandate of the office is to promote the assistance and support services offered to persons who are victims of criminal offences under Title II.

To carry out its mandate, the office may

(1) facilitate the transmission of information to persons who are victims of criminal offences;

(2) develop, implement, evaluate and review programs and services;

(3) advise the Minister on any matter concerning assistance or support for persons who are victims of criminal offences;

(4) disseminate documentation and establish information, awareness and training programs or activities pertaining to the rights and needs of persons who are victims and the services available to them, as well as facilitate such dissemination and establishment by third parties;

(5) see to the coordination of programs and services and to concerted action between persons, government departments and bodies;

(6) facilitate the carrying out and dissemination of research, studies and analyses under a subsidy program to promote research, information, awareness and training pertaining to persons who are victims of criminal offences; and

(7) promote and coordinate the creation and development of assistance centres for persons who are victims of criminal offences, including by providing community groups or organizations with the technical and professional support required for their establishment and operation.

In addition, the office carries on any activity entrusted to it by the Minister with a view to facilitating the application of this Act.

**101.** A fund dedicated to assistance for persons who are victims of criminal offences is established at the Ministère de la Justice to finance assistance and support programs and services for persons who are victims of criminal offences under Title II.

**102.** The following sums are credited to the fund:

(1) the sums transferred to it by the Minister out of the appropriations granted for that purpose by Parliament;

(2) the victim surcharges collected under section 737 of the Criminal Code;

(3) the sums collected under article 8.1 of the Code of Penal Procedure (chapter C-25.1), to the extent determined by the Code;

(4) the gifts, legacies and other contributions paid into the fund to further the achievement of its objects;

(5) the sums transferred to the fund by the Minister of Finance under section 54 of the Financial Administration Act (chapter A-6.001);

(6) the sums transferred to the fund by the Minister of Finance under section 104;

(7) the sums from the sharing of proceeds of crime or goods confiscated by the State following a civil forfeiture of property derived from unlawful activity under the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2); and

(8) the revenues generated by the sums credited to the fund, except the sums referred to in paragraphs 1 and 6.

**103.** The following sums are debited from the fund:

(1) the sums required for the financing of assistance and support programs and services for persons who are victims of criminal offences under Title II;

(2) the subsidies granted by the Minister under section 9; and

(3) the payment of any expense necessary for the carrying out of a function entrusted to the office dedicated to assistance for persons who are victims of criminal offences.

[[**104.** The Minister of Finance transfers to the fund, out of the sums credited to the general fund, at the intervals the Minister determines, the sums sufficient to make up the difference between the sums necessary for the administration of the provisions of Title II and the provisions of section 102.]]

**[[105.** The Minister takes out of the Consolidated Revenue Fund the sums required for the administration of the financial assistance plans provided for in Titles III and IV for persons who are victims of criminal offences.]]

## **TITLE VIII**

### **PENAL PROVISIONS**

**106.** Every person who, under this Act or the regulations, makes a statement or sends a document that the person knows or ought to have known to contain false or misleading information commits an offence and is liable to a fine of not less than \$1,000 nor more than \$5,000.

**107.** Every person who, by an act or omission, helps or, by encouragement, advice or consent or by an authorization or an order, induces another person to commit an offence under this Act commits an offence and is liable to the same penalty as that prescribed in section 106.

**108.** The fines under this Title are doubled for a subsequent offence.

## **TITLE IX**

### **AMENDING PROVISIONS**

#### **ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

**109.** Section 448 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing “(chapter A-25) or” in the first paragraph by “(chapter A-25), financial assistance compensating a loss of income under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*) or an indemnity with the same effect under”.

**110.** Section 449 of the Act is amended

(1) by replacing “Commission shall reach an agreement with the Société de l’assurance automobile du Québec” by “Commission, the Minister of Justice and the Société de l’assurance automobile du Québec shall reach an agreement”, and by inserting “, the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)” after “(chapter A-25)” in the first paragraph;

(2) in subparagraph 1 of the second paragraph,

(a) by inserting “or any other claimant” after “rescuer”;

(b) by replacing “to the indictable offence sustained by the victim within the meaning of the Crime Victims Compensation Act (chapter I-6)” by “by a person who is a victim within the meaning of the Act to assist persons who are victims of criminal offences and to facilitate their recovery”.

**III.** Section 450 of the Act is amended

(1) by replacing “, the Commission” in the first paragraph by “or financial assistance compensating a loss of income under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*), the Commission, the Minister of Justice”;

(2) by replacing “(chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be, or under” in the second paragraph by “, the Act to assist persons who are victims of criminal offences and to facilitate their recovery or”;

(3) by replacing “binds both agencies” in the third paragraph by “applies to each plan and Act concerned”.

**II2.** Section 451 of the Act is amended

(1) by replacing “under an Act administered by it” and “under another Act administered by the Commission” in the first paragraph by “under the Workers’ Compensation Act (chapter A-3)” and “under this Act”, respectively;

(2) in the second paragraph,

(a) by replacing “may elect to” by “must”;

(b) by striking out “, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6), as the case may be”;

(3) by replacing “any of the said Acts precludes any proceeding under any other of them” in the third paragraph by “this Act precludes any proceeding under the other”.

**II3.** Section 478 of the Act is amended by striking out the third paragraph.

**II4.** Section 578 of the Act is repealed.

**AUTOMOBILE INSURANCE ACT**

**II5.** Section 83.62 of the Automobile Insurance Act (chapter A-25) is amended

(1) by inserting “person or” after “the following” in the introductory clause;

(2) by replacing paragraph 2 by the following paragraph:

“(2) the Minister of Justice by virtue of the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*);”.

**116.** Section 83.64 of the Act is amended

(1) by replacing “an indemnity or pecuniary benefit” and “Crime Victims Compensation Act (chapter I-6)” in the first paragraph by “financial assistance” and “Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”, respectively;

(2) by replacing “Crime Victims Compensation Act” in the second paragraph by “Act to assist persons who are victims of criminal offences and to facilitate their recovery”.

**117.** Section 83.65 of the Act is amended

(1) by replacing “total disability benefits” and “Crime Victims Compensation Act (chapter I-6)” in the first paragraph by “financial assistance compensating a loss of income” and “Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”, respectively;

(2) by replacing “pension” in the second paragraph by “financial assistance”.

**118.** Section 83.66 of the Act is amended

(1) by striking out “, the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6)” in the first paragraph;

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

“The Société shall reach such an agreement with the Minister of Justice as regards the Act to promote good citizenship (chapter C-20) and the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*).”

**119.** Section 83.67 of the Act is amended

(1) by striking out “or total disability benefits under the Act to promote good citizenship (chapter C-20) or the Crime Victims Compensation Act (chapter I-6)” in the first paragraph;

(2) by replacing “, the Act respecting industrial accidents and occupational diseases, the Act to promote good citizenship or the Crime Victims Compensation Act” in the second paragraph by “or the Act respecting industrial accidents and occupational diseases”.

**120.** The Act is amended by inserting the following section after section 83.67:

**“83.67.1.** Where a person referred to in section 83.65 claims financial assistance compensating a loss of income under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*), the Société and the Minister of Justice shall, in carrying out the agreement described in section 83.66, render a joint decision which distinguishes between the damage attributable to each event and determines the corresponding entitlement to and amount of the benefits, compensation or indemnities payable under each of the applicable Acts.

A person who believes he has been wronged by the decision may elect to contest the decision before the Administrative Tribunal of Québec under this Act, the Act to promote good citizenship or the Act to assist persons who are victims of criminal offences and to facilitate their recovery.

A proceeding brought before the Tribunal under any of the said Acts precludes any proceeding before the Tribunal under each of the other Acts and the decision rendered by the Tribunal applies to each plan and Act concerned.”

#### HEALTH INSURANCE ACT

**121.** Section 3 of the Health Insurance Act (chapter A-29) is amended by replacing “or to the Act respecting industrial accidents and occupational diseases (chapter A-3.001)” in the fourteenth paragraph by “, the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

**122.** Section 19 of the Act is amended by inserting “and the Minister of Justice” after “travail” in the fourteenth paragraph.

#### ACT RESPECTING THE BARREAU DU QUÉBEC

**123.** Section 128 of the Act respecting the Barreau du Québec (chapter B-1) is amended by replacing “rescuers and victims of crime” in subparagraph 3 of paragraph *a* of subsection 2 by “persons who are victims of criminal offences or for rescuers and other claimants of financial assistance under the Act to promote good citizenship (chapter C-20)”.

#### ACT TO PROMOTE GOOD CITIZENSHIP

**124.** Section 1 of the Act to promote good citizenship (chapter C-20) is replaced by the following section:

**“1.** In this Act, unless the context indicates a different meaning, “rescuer” means a person who, in Québec and after 31 December 1976, having reasonable cause to believe another person’s life or physical integrity is in danger, benevolently comes to that person’s assistance.”

**125.** Section 2 of the Act is replaced by the following section:

**“2.** A rescuer who suffers interference with his integrity is eligible for the same financial assistance as an intervening person referred to in paragraph 1 or 2 of section 11 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*) is entitled to receive.

A minor child of a parent who is deceased, in a case where the parent is a rescuer, or a child over whom a deceased rescuer has parental authority is entitled to the same lump sum because of a death resulting from the commission of a criminal offence as the child of a deceased intervening person referred to in paragraph 4 of section 11 of the Act.

The spouse of a person who is deceased, in a case where the person is a rescuer, is entitled to the same lump sum because of a death resulting from the commission of a criminal offence as the spouse of a deceased intervening person referred to in paragraph 5 of section 11 of this Act.

A dependant of a person who is deceased, in a case where the person is a rescuer, is entitled to the same lump sum because of a death resulting from the commission of a criminal offence as a dependant of a deceased intervening person referred to in paragraph 6 of section 11 of this Act.

For the purposes of entitlement to such financial assistance, the rescuer and any other person referred to in the preceding paragraphs must comply with the provisions of Title III, except those of Chapters IX and XII, of the Act to assist persons who are victims of criminal offences and to facilitate their recovery that apply, with the necessary modifications, to them and their situation.

In addition to the provisions of Title III of the Act to assist persons who are victims of criminal offences and to facilitate their recovery, the provisions of Titles V and VI, section 99 and Title VIII of that Act apply, as the case may be and with the necessary modifications, to the rescuers and other persons referred to in this section as well as to their situation.”

**126.** Sections 3 to 14 of the Act are repealed.

**127.** Section 17 of the Act is amended by replacing “sustained any injury or is not eligible for benefit” by “suffered any interference with his integrity or is not eligible for any financial assistance”.

**128.** Sections 18 to 26 of the Act are repealed.

**129.** The Act is amended by inserting the following sections after section 27:

**“27.1.** The Minister may delegate, to a person the Minister designates, the exercise of the powers conferred on the Minister by this Act.



**“27.2.** The Minister may enter into any agreement with any person or any public or private body in relation to the application of this Act.

Any person or body that is a party to such an agreement may exercise, according to the terms and conditions set out in the agreement, any power or responsibility conferred on the Minister by this Act. The person or body may likewise perform any act permitted under this Act.

In such a case, the person or body has all the obligations incumbent on the Minister under this Act.

**“27.3.** Not later than 30 June each year, the Minister must report on the Minister’s activities under this Act and on the administration of this Act during the preceding fiscal year.

The report must be tabled before the National Assembly within the following 30 days, if the Assembly is in session or, if it is not sitting, within 30 days of the opening of the next session or resumption.

**“27.4.** The Minister may investigate any matter relating to the financial assistance that may be granted under this Act and designate investigators for that purpose.

No legal proceedings may be brought against investigators for any act or omission in good faith in the exercise of their functions.

In exercising those powers, the Minister or any designated investigator has, for the purposes of the investigation, the powers and immunities of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

**“27.5.** Investigators must, on request, identify themselves and produce a certificate of authority issued by the Minister.”

#### CODE OF CIVIL PROCEDURE

**130.** Article 417 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “a victim assistance organization” and “victim” in the second paragraph by “an assistance organization for persons who are victims of criminal offences that is” and “person who is a victim”, respectively.

#### CODE OF PENAL PROCEDURE

**131.** Article 8.1 of the Code of Penal Procedure (chapter C-25.1) is amended by replacing “Crime Victims Assistance Fund established under the Act respecting assistance for victims of crime (chapter A-13.2)” in the third paragraph by “fund dedicated to assistance for persons who are victims of criminal offences that is established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

## PROFESSIONAL CODE

**132.** Section 37 of the Professional Code (chapter C-26), amended by section 5 of chapter 15 of the statutes of 2020, is again amended by replacing “crime on the victim” and “the victim” in paragraph *b* by “a criminal offence on the person who is a victim” and “of the person who is a victim”, respectively.

## ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

**133.** Section 1 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by replacing “victims of crime” in the second paragraph by “persons who are victims of criminal offences”.

**134.** Section 25 of the Act is amended

(1) by replacing “Fonds d’aide aux victimes d’actes criminels” in subparagraph 1 of the first paragraph by “fund dedicated to assistance for persons who are victims of criminal offences established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”;

(2) by replacing “Fonds d’aide aux victimes d’actes criminels” in the second paragraph by “fund dedicated to assistance for persons who are victims of criminal offences”.

## ACT RESPECTING THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

**135.** Section 3 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) is amended by replacing “crime victims support organizations” by “support organizations for persons who are victims of criminal offences”, and sections 15 and 22 of that Act are amended by replacing “crime victims” and “the victims of crime” by “persons who are victims of criminal offences”.

## TAXATION ACT

**136.** Section 752.0.0.4 of the Taxation Act (chapter I-3) is amended by replacing “by the Commission des normes, de l’équité, de la santé et de la sécurité du travail” in the introductory clause of the first paragraph by “by the Commission des normes, de l’équité, de la santé et de la sécurité du travail, by the Minister of Justice under Title III of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*) or by the person or body with whom or which that minister has entered into an agreement under section 93 of that Act or section 27.2 of the Act to promote good citizenship (chapter C-20), as the case may be”.

**137.** Section 1029.8.61.19.2 of the Act is amended

(1) by striking out “l’un des articles suivants” in the introductory clause in the French text;

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

“(c) section 5 of the Crime Victims Compensation Act (chapter I-6) or under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*).”

ACT RESPECTING ADMINISTRATIVE JUSTICE

**138.** Section 102 of the Act respecting administrative justice (chapter J-3) is amended by replacing “pertaining to compensation for rescuers and victims of crime” in the first paragraph by “under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

**139.** Section 5 of Schedule I to the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) proceedings against decisions pertaining to the qualification of a person who is a victim, a rescuer or another beneficiary, pertaining to their eligibility for financial assistance or pertaining to the establishment of that assistance, brought under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*);”;

(2) by striking out paragraphs 2, 2.1 and 6.

YOUTH PROTECTION ACT

**140.** Section 72.6 of the Youth Protection Act (chapter P-34.1) is amended by replacing “to the Commission des normes, de l’équité, de la santé et de la sécurité du travail, where the disclosure is necessary for the application of the Crime Victims Compensation Act (chapter I-6) in respect of a claim” in subparagraph 1 of the second paragraph by “to the Minister of Justice, where the disclosure is necessary for the application of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*) in respect of an application”.

## ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

**141.** Section 18 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended by replacing “or an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Crime Victims Compensation Act (chapter I-6) or any other Act, other than an Act of Québec” in the first paragraph by “, an income replacement indemnity under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or the Automobile Insurance Act (chapter A-25), or financial assistance compensating a loss of income under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*), or such an indemnity or financial assistance under any other Act, other than an Act of Québec.”.

## ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**142.** Section 21 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Crime Victims Compensation Act (chapter I-6)” in the first paragraph by “, financial assistance compensating a loss of income or any other indemnity having the same effect under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

## ACT RESPECTING THE TEACHERS PENSION PLAN

**143.** Section 18 of the Act respecting the Teachers Pension Plan (chapter R-11) is amended by replacing “under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Crime Victims Compensation Act (chapter I-6)” in the first paragraph by “, financial assistance compensating a loss of income or any other indemnity having the same effect under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

## ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**144.** Section 60 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is amended by replacing “under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Crime Victims Compensation Act (chapter I-6)” in the first paragraph by “, financial assistance compensating a loss of income or any other indemnity having the same effect under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

## ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**145.** Section 34 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing “under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Crime Victims Compensation Act (chapter I-6)” in the first paragraph by “, financial assistance compensating a loss of income or any other indemnity having the same effect under the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Act to promote good citizenship (chapter C-20), the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)”.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**146.** Section 19 of the Act respecting health services and social services (chapter S-4.2) is amended by adding the following paragraph at the end:

“(20) in the cases and for the purposes set out in section 68 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*).”

## REGULATION RESPECTING FINANCIAL ASSISTANCE

**147.** Section 2 of the Regulation respecting financial assistance (chapter A-3, r. 1) is amended by striking out “, to victims within the meaning of the Crime Victims Compensation Act (chapter I-6) or to rescuers within the meaning of the Act to promote good citizenship (chapter C-20)”.

## REGULATION RESPECTING SOCIAL STABILIZATION AND ECONOMIC STABILIZATION PROGRAMS

**148.** Section 1 of the Regulation respecting social stabilization and economic stabilization programs (chapter A-3.001, r. 14) is amended by striking out the second paragraph.

**149.** Section 28 of the Regulation is amended by striking out the second paragraph.

**150.** Section 29 of the Regulation is repealed.

**151.** Section 30 of the Regulation is amended

(1) by replacing “Crime Victims Compensation Act (chapter I-6)” and “an indemnity for total temporary disability under the Workers’ Compensation Act (chapter A-3)” in the first paragraph by “Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*)” and “financial assistance compensating a loss of income”, respectively;

(2) by striking out the second paragraph.

## REGULATION RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

**152.** Schedule II to the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended by replacing “crime victim’s child” in paragraph 2 by “child of a person who is a victim of a criminal offence”.

## REGULATION RESPECTING LEGAL AID

**153.** Section 44 of the Regulation respecting legal aid (chapter A-14, r. 2) is amended

(1) by replacing “or a payment exemption, or to the recovery of benefits” in the introductory clause by “, financial assistance or a payment exemption, or to the recovery of benefits, financial assistance”;

(2) by replacing paragraph 8 under the heading “Statutes of Québec” by the following paragraph:

“(8) the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter of this Act*);”.

## REGULATION UNDER THE ACT RESPECTING PARENTAL INSURANCE

**154.** Section 43 of the Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2) is amended by replacing paragraph 1 by the following paragraph:

“(1) financial assistance paid to a person who is a victim of a criminal offence;”.

## ARRÊTÉ MINISTÉRIEL CONCERNANT LA RECONNAISSANCE DES SERVICES D’AIDE AUX VICTIMES AUX FINS DE L’ARTICLE 417 DU CODE DE PROCÉDURE CIVILE

**155.** Section 1 of the Arrêté ministériel concernant la reconnaissance des services d’aide aux victimes aux fins de l’article 417 du Code de procédure civile (chapter C-25.01, r. 7, French only) is amended

(1) by replacing “centres d’aide aux victimes d’actes criminels reconnus par la ministre de la Justice en vertu de la Loi sur l’aide aux victimes d’actes criminels (chapitre A-13.2)” by “centres d’aide aux personnes victimes d’infractions criminelles reconnus par le ministre de la Justice en vertu de la Loi visant à aider les personnes victimes d’infractions criminelles et à favoriser leur rétablissement (*insert the year and chapter number of this Act*)”;

(2) by replacing “aux victimes de violence conjugale” by “aux personnes victimes de violence conjugale”.

## REGULATION RESPECTING THE FORM OF STATEMENTS OF OFFENCE

**156.** Schedules I to V to the Regulation respecting the form of statements of offence (chapter C-25.1, r. 1) are amended by replacing all occurrences of “Crime Victims Assistance Fund established under the Act respecting assistance for victims of crime (chapter A-13.2)” by “fund dedicated to assistance for persons who are victims of criminal offences established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter of this Act*)”.

## LETTERS PATENT CONSTITUTING THE ORDRE PROFESSIONNEL DES CRIMINOLOGUES DU QUÉBEC

**157.** Section 2 of the Letters patent constituting the Ordre professionnel des criminologues du Québec (chapter C-26, r. 90.1) is amended by replacing “of crime on the victim” and “the victim with a view to fostering the social integration of the person” in the first paragraph by “of a criminal offence on the person who is a victim” and “the person who is a victim with a view to fostering the social integration of the human being”, respectively.

## REGULATION RESPECTING THE TAXATION ACT

**158.** The Regulation respecting the Taxation Act (chapter I-3, r. 1) is amended by inserting the following section after section 1086R27:

“**1086R27.1.** The Minister of Justice or the person or body with whom or which that minister has entered into an agreement under section 93 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*), in relation to the application of Title III of that Act, or section 27.2 of the Act to promote good citizenship (chapter C-20) must file an information return in prescribed form, in respect of an income replacement indemnity the minister, person or body determines.”

**159.** Section 1086R50 of the Regulation is amended by inserting the following paragraph after paragraph *b*:

“(b.1) an amount paid under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*);”.

## ORIENTATIONS ET MESURES DU MINISTRE DE LA JUSTICE EN MATIÈRES D’AFFAIRES CRIMINELLES ET PÉNALES

**160.** Section 11 of the Orientations et mesures du ministre de la Justice en matières d’affaires criminelles et pénales (chapter M-19, r. 1, French only) is amended

(1) by replacing “**victimes d’actes criminels**” in the heading by “**personnes victimes d’infractions criminelles**”;

(2) by replacing “victimes d’un acte criminel”, “les victimes” and “victime” in the first paragraph by “personnes victimes d’une infraction criminelle”, “les personnes victimes” and “personne victime”, respectively;

(3) in the second paragraph,

(a) by replacing all occurrences of “victime” and “victimes” by “personne victime” and “personnes victimes”, respectively;

(b) by replacing “d’un acte criminel” by “d’une infraction criminelle”;

(4) by replacing all occurrences of “victime” and “victimes” in the third and fourth paragraphs by “personne victime” and “personnes victimes”, respectively.



## REGULATION RESPECTING THE ISSUANCE OF COMPETENCY CERTIFICATES

**161.** Section 11 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended by replacing “Crime Victims Compensation Act (chapter I-6) and” in paragraph 5 by “Act to promote good citizenship (chapter C-20), the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*) or”.

## RÈGLEMENT SUR LES RÉGIMES COMPLÉMENTAIRES D’AVANTAGES SOCIAUX DANS L’INDUSTRIE DE LA CONSTRUCTION

**162.** Section 63 of the Règlement sur les régimes complémentaires d’avantages sociaux dans l’industrie de la construction (chapter R-20, r. 10, French only) is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

“(5) la prestation périodique initiale qu’il reçoit en application de la Loi visant à aider les personnes victimes d’infractions criminelles et à favoriser leur rétablissement (*insert the year and chapter number of this Act*).”

## REGULATION RESPECTING CERTAIN TERMS OF EMPLOYMENT APPLICABLE TO OFFICERS OF AGENCIES AND HEALTH AND SOCIAL SERVICES INSTITUTIONS

**163.** Section 12.0.3 of the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1) is amended by replacing “, by the Société de l’assurance automobile du Québec and those paid under the Crime Victims Compensation Act (chapter I-6) and those” by “and by the Société de l’assurance automobile du Québec, financial assistance compensating a loss of income paid under the Act to promote good citizenship (chapter C-20) or the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter of this Act*) and salary insurance benefits”.

## REGULATION RESPECTING CERTAIN TERMS OF EMPLOYMENT APPLICABLE TO SENIOR ADMINISTRATORS OF AGENCIES AND OF PUBLIC HEALTH AND SOCIAL SERVICES INSTITUTIONS

**164.** Section 28.3 of the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2) is amended by replacing “, by the Société de l’assurance automobile du Québec and those paid under the Crime Victims Compensation Act (chapter I-6) and those” by “and by the Société de l’assurance automobile du Québec, financial assistance compensating a loss of income paid under the Act to promote good citizenship (chapter C-20) or

the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*) and salary insurance benefits”.

#### OTHER AMENDMENTS

**165.** Unless the context indicates otherwise, in any other provision of an Act or a regulation, a reference to the Crime Victims Compensation Act (chapter I-6) is replaced by a reference to the Act to assist persons who are victims of criminal offences and to facilitate their recovery (*insert the year and chapter number of this Act*).

**166.** The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “victim of violence who” in subparagraph 9 of the first paragraph of section 53 of the Individual and Family Assistance Act (chapter A-13.1.1) by “person who is a victim of violence and”;

(2) by replacing “victim’s death” and both occurrences of “victim” in article 2926.1 of the Civil Code of Québec by “death of the person who is a victim” and “person who is a victim”, respectively;

(3) by replacing “victim” in the second paragraph of article 226 of the Code of Civil Procedure (chapter C-25.01) by “person who is a victim”;

(4) by replacing “victims” in the second paragraph of section 48 of the Police Act (chapter P-13.1) by “persons who are victims”;

(5) by replacing all occurrences of “victim” in paragraph 3 of section 56, the second paragraph of section 61, paragraph 3 of section 155, and sections 174, 175, 175.1 and 176 of the Act respecting the Québec correctional system (chapter S-40.1), “victims” in the heading of Chapter V and in section 173 of that Act, “victim statement” in paragraph 5 of section 19 of that Act and “victim’s representations” in the second paragraph of section 176 of that Act by “person who is a victim”, “persons who are victims”, “statement by the person who is a victim” and “representations of the person who is a victim”, respectively;

(6) by replacing “victims” in the first paragraph of section 42 and in section 108 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) by “persons who are victims”;

(7) by replacing “sexual assault victim” in subparagraph ii of paragraph *f* of section 22 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) by “person who is a victim of a sexual assault”;

(8) by replacing “victimes” in the title of the Arrêté ministériel concernant la reconnaissance des services d’aide aux victimes aux fins de l’article 417 du Code de procédure civile (chapter C-25.01, r. 7, French only) by “personnes victimes”;

(9) by replacing “crime victims assistance resources” in subparagraph *i* of subparagraph *b* of the second paragraph of paragraph 1.1 of section 8 of the Letters patent constituting the Ordre professionnel des criminologues du Québec (chapter C-26, r. 90.1) by “assistance resources for persons who are victims of criminal offences”;

(10) by replacing all occurrences of “victime” and “victimes” in sections 1, 2, 14, 16, 17, 17.1 and 18 of the Orientations et mesures du ministre de la Justice en matières d’affaires criminelles et pénales (chapter M-19, r. 1, French only) by “personne victime” and “personnes victimes”, respectively;

(11) by replacing “victime” in subparagraph *d* of paragraph 2 of section 6 in the French text of the Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction (chapter P-13.1, r. 6) by “personne victime”;

(12) by replacing “victim” in the second paragraph of section 28 of the Organization and Management of Institutions Regulation (chapter S-5, r. 5) by “person who is a victim”.

## **TITLE X**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

**167.** For the purposes of this Title, an application means any application filed to benefit from the advantages provided for by the Crime Victims Compensation Act (chapter I-6) or the Act to promote good citizenship (chapter C-20), as they read on (*insert the date preceding the date of coming into force of this Act*), or any qualification application or financial assistance application made under this Act.

**168.** For the purposes of this Title, a final decision is an enforceable decision

(1) confirming or quashing a person’s eligibility for the plan provided for by the Crime Victims Compensation Act or the Act to promote good citizenship, as they read on (*insert the date preceding the date of coming into force of this Act*), or confirming or quashing a person’s qualification under this Act or the Act to promote good citizenship, as amended by this Act; or

(2) granting or refusing an advantage or financial assistance provided for in one of the plans referred to in paragraph 1.

**169.** Any indemnity for a permanent and total or permanent and partial disability paid under the Crime Victims Compensation Act or the Act to promote good citizenship, as they read on (*insert the date preceding the date of coming into force of this Act*), for an injury or the resulting permanent sequelae is deemed to be the lump sum for which a person would be eligible under this Act or under the Act to promote good citizenship, as amended by this Act, for the same sequelae resulting from the same injury.

Likewise, the indemnity in a case of death paid under the Crime Victims Compensation Act or the Act to promote good citizenship, as they read on (*insert the date preceding the date of coming into force of this Act*), is deemed to be the lump sum for which a person would be eligible under this Act or under the Act to promote good citizenship, as amended by this Act, for a death due to the commission of a criminal offence.

## **CHAPTER II**

### **TRANSITIONAL PROVISIONS APPLICABLE TO VICTIMS OF CRIMINAL OFFENCES**

**170.** Any final decision that, before (*insert the date of coming into force of this Act*), rules on eligibility and grants the benefit of an advantage under the Crime Victims Compensation Act (chapter I-6), as it read on (*insert the date preceding the date of coming into force of this Act*), is maintained and any pension, indemnity or other benefit is paid or continues to be paid in accordance with that Act, for as long as its payment does not cease as a result of the application of the provisions of that Act.

Despite the first paragraph, if an indemnity or other benefit ceases to be paid as a result of the application of the Crime Victims Compensation Act, as it read before (*insert the date preceding the date of coming into force of this Act*), and if the need that gave rise to the payment of the indemnity or benefit arises again after (*insert the date of coming into force of this Act*), the plan under the provisions of this Act then applies and the applicable financial assistance, if any, is the financial assistance under this Act.

Likewise, where the need of a person declared eligible under the Crime Victims Compensation Act, as it read before (*insert the date preceding the date of coming into force of this Act*), for a pension, indemnity or other benefit provided for in that Act arises after (*insert the date of coming into force of this Act*), the plan under the provisions of this Act then applies and the applicable financial assistance, if any, is the financial assistance under this Act.

For the purposes of this section,

(1) a person declared eligible within the meaning of subparagraph *a* of the first paragraph of section 3 of the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), is qualified within the meaning of subparagraph 1 of the first paragraph of section 10 of this Act;

(2) a dependent person declared eligible within the meaning of paragraph *l* of subsection 1 of section 2 of the Workers' Compensation Act (chapter A-3) is qualified within the meaning of any of subparagraphs 3 to 5 of the first paragraph of section 10 of this Act, as applicable;

(3) a father or mother declared eligible within the meaning of section 7 of the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), is qualified within the meaning of subparagraph 2 of the first paragraph of section 10 of this Act;

(4) a close relation other than a child, parent or spouse declared eligible within the meaning of the second paragraph of section 5.1 of the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), is qualified within the meaning of subparagraph 6 of the first paragraph of section 10 of this Act; and

(5) a person declared eligible within the meaning of subparagraph *b* or *c* of the first paragraph of section 3 of the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), is qualified within the meaning of paragraph 1 or 2 of section 11 of this Act.

**171.** Any application filed with the Commission des normes, de l'équité, de la santé et de la sécurité du travail before (*insert the date of coming into force of this Act*) that has not been the subject of a decision on eligibility, as well as any application filed after that date regarding a criminal offence committed before that date, are admissible if,

(1) on the date the criminal offence concerned was committed, the application would have been admissible under the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*); or

(2) on the date the criminal offence concerned was committed, the application would have been refused under that Act, for the sole reason that it was not filed within the prescribed time and the criminal offence concerned involves violence suffered during childhood, a sexual aggression or spousal violence.

A person who is a victim whose application is admissible under this section is entitled to the financial assistance provided for in this Act, provided the person meets the conditions prescribed to obtain that assistance.

The fourth paragraph of section 170 applies to this section.

**172.** The provisions of the Crime Victims Compensation Act, as they read on (*insert the date preceding the date of coming into force of this Act*), apply to the following applications filed before (*insert the date of coming into force of this Act*), where the claimant was declared eligible before that date and regarding which no final decision was rendered before that date:

(1) an application concerning the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the disability existed on that date; and

(2) an application concerning an advantage other than the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the need that gave rise to the application existed on that date.

The second and third paragraphs of section 170 apply, with the necessary modifications.

**173.** The provisions of this Act apply to the following applications filed before (*insert the date of coming into force of this Act*) under the provisions of the Crime Victims Compensation Act, as they read on (*insert the date preceding the date of coming into force of this Act*), where the claimant was declared eligible before (*insert the date of coming into force of this Act*) and regarding which no final decision was rendered before that date:

(1) an application concerning the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the disability did not exist on that date; and

(2) an application concerning an advantage other than the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the need that gave rise to the indemnity did not exist on that date.

The fourth paragraph of section 170 applies to this section.

**174.** Despite the first paragraph of section 170 and the first paragraph of section 172, any indemnity paid for a temporary and total or temporary and partial disability under the Crime Victims Compensation Act (chapter I-6), as it read on (*insert the date preceding the date of coming into force of this Act*), ceases not later than (*insert the date that is three years after the date of coming into force of this Act*).

**175.** Any person who is the subject of a final decision that, before (*insert the date of coming into force of this Act*), refuses eligibility for the plan provided for by the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), may be the subject of a qualification application under this Act if

(1) the criminal offence concerned involves violence suffered during childhood, a sexual aggression or spousal violence;

(2) the sole reason for the refusal is that the application was not filed within the time prescribed by the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*); and

(3) the new application is filed before (*insert the date that is three years after the date of coming into force of this Act*).

The eligibility conditions of the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), except the condition mentioned in subparagraph 2 of the preceding paragraph, also apply to a qualification application filed under this section.

A person who is a victim whose qualification application is admissible under this section is entitled to the financial assistance provided for by this Act, provided they meet the conditions prescribed to obtain that assistance.

Section 171 does not apply to an application made under this section.

**176.** For the purposes of the first paragraph of section 170 and the first paragraph of section 172 and in order to apply to any application filed under the Crime Victims Compensation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), any provision contained in another Act or a regulation that sets out terms of application or terms incidental to the plan under that Act is maintained in force.

### CHAPTER III

#### TRANSITIONAL PROVISIONS APPLICABLE WITH RESPECT TO THE ACT TO PROMOTE GOOD CITIZENSHIP

**177.** Any final decision that, before (*insert the date of coming into force of this Act*), rules on eligibility and grants a benefit under the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), is maintained and any benefit is paid or continues to be paid in accordance with the provisions of that Act, for as long as its payment does not cease as a result of the application of those provisions.

Despite the first paragraph, if a benefit ceases to be paid as a result of the application of the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), and the need that led to payment of the benefit arises again after (*insert the date of coming into force of this Act*), the plan under the provisions of the Act to promote good citizenship, as amended by this Act, then applies and the applicable financial assistance, if any, is the financial assistance under that Act.

Likewise, where the need of a person declared eligible for a benefit under the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), arises after (*insert the date of coming into force of this Act*), the plan under the provisions of the Act to promote good citizenship, as amended by this Act, then applies and the applicable financial assistance, if any, is the financial assistance under that Act.

For the purposes of this section,

(1) a person declared eligible within the meaning of paragraph *g* of section 1 and section 2 of the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), is a rescuer within the meaning of section 1 and the first paragraph of section 2 of the Act to promote good citizenship, as amended by this Act; and

(2) a dependant declared eligible within the meaning of paragraph *c* of section 1 and section 2 of the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), is a child, spouse or dependant, as applicable, within the meaning of section 2 of the Act to promote good citizenship, as amended by this Act.

**178.** Any application filed after (*insert the date of coming into force of this Act*) and resulting from assistance provided before that date is admissible if, on the date the assistance was provided, the application would have been admissible under the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*).

A rescuer or person whose application is admissible under this section is entitled to the financial assistance provided for in the Act to promote good citizenship, as amended by this Act, provided they meet the conditions prescribed to obtain that assistance.

The fourth paragraph of section 177 applies to this section.

**179.** The provisions of the Act to promote good citizenship, as they read on (*insert the date preceding the date of coming into force of this Act*), apply to the following applications filed before (*insert the date of coming into force of this Act*), where the claimant was declared eligible before that date and regarding which no final decision was rendered before that date:

(1) an application concerning the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the disability existed on that date; and

(2) an application concerning an advantage other than the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the need that gave rise to the application existed on that date.

The second and third paragraphs of section 177 apply, with the necessary modifications.



**180.** The provisions of the Act to promote good citizenship, as amended by this Act, apply to the following applications filed before (*insert the date of coming into force of this Act*) under the provisions of the Act to promote good citizenship, as it read on that date, where the claimant was declared eligible before that date and regarding which no final decision was rendered before that date:

(1) an application concerning the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the disability did not exist on that date; and

(2) an application concerning an advantage other than the possible payment of an indemnity for a permanent and total or permanent and partial disability, provided the need that gave rise to the indemnity did not exist on that date.

The fourth paragraph of section 177 applies to this section.

**181.** Despite the first paragraph of section 177 and the first paragraph of section 179, any indemnity paid for a temporary and total or temporary and partial disability under the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), ceases not later than (*insert the date that is three years after the date of coming into force of this Act*).

**182.** For the purposes of the first paragraph of section 177 and the first paragraph of section 179 and in order to apply to any application filed under the Act to promote good citizenship, as it read on (*insert the date preceding the date of coming into force of this Act*), any provision contained in another Act that sets out terms for applying that Act or terms incidental to the plan under that Act is maintained in force.

## CHAPTER IV

### OTHER TRANSITIONAL AND FINAL PROVISIONS

**183.** Victims of crime assistance centres recognized under section 10 of the Act respecting assistance for victims of crime (chapter A-13.2), as it read on (*insert the date preceding the date of coming into force of this Act*), become assistance centres for persons who are victims of criminal offences recognized under section 8 of this Act.

**184.** The Bureau d'aide aux victimes d'actes criminels established under section 8 of the Act respecting assistance for victims of crime, as it read on (*insert the date preceding the date of coming into force of this Act*), becomes the office dedicated to assisting victims of criminal offences established under section 100 of this Act.

**185.** The assets and liabilities of the Crime Victims Assistance Fund established under section 11 of the Act respecting assistance for victims of crime, as it read on (*insert the date preceding the date of coming into force of this Act*), are transferred to the fund dedicated to assistance for persons who are victims of criminal offences established under section 101 of this Act.

The expenditure and investment estimates of the Crime Victims Assistance Fund become those of the fund dedicated to assistance for victims of criminal offences.

**186.** The first regulation made under this Act may take effect on any date not prior to (*insert the date of coming into force of this Act*).

**187.** The Act respecting assistance for victims of crime, the Crime Victims Compensation Act and the Act respecting assistance and compensation for victims of crime (1993, chapter 54) are repealed.

**188.** Not later than 30 June each year, the Minister reports on the Minister's activities under this Act during the preceding fiscal year.

The report is tabled in the National Assembly within the following 30 days if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

In addition, not later than (*insert the date that is five years after the date of coming into force of this Act*), the Minister reports on the implementation of this Act. The report is tabled in the National Assembly in accordance with the second paragraph.

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

**190.** The provisions of this Act come into force on (*insert the date that is five months after the date of assent to this Act*) or an earlier date to be set by the Government.



