



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 25

(2006, chapter 41)

An Act to amend the Crime Victims Compensation Act and other legislative provisions

Introduced 9 May 2006
Passage in principle 8 June 2006
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Assented to 13 December 2006

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EXPLANATORY NOTES

This bill amends the Crime Victims Compensation Act, among other things, to make it possible, in certain cases, for close relations of victims to access psychotherapeutic rehabilitation services, and to increase the indemnities paid for funeral expenses.

The bill also amends the Workers' Compensation Act and the Act respecting administrative justice to provide for an examination, review and contestation process relating to decisions on the admissibility of an application for psychotherapeutic rehabilitation services made by a close relation of a crime victim.

LEGISLATION AMENDED BY THIS BILL:

- Workers' Compensation Act (R.S.Q., chapter A-3);
- Crime Victims Compensation Act (R.S.Q., chapter I-6);
- Act respecting administrative justice (R.S.Q., chapter J-3).

Bill 25

AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Crime Victims Compensation Act (R.S.Q., chapter I-6) is amended by replacing “or, if he” in the first line of paragraph *c* by “, a close relation referred to in section 5.1 or, if the victim”.

2. The Act is amended by inserting the following sections after section 5:

“5.1. The Commission may, in accordance with government regulations,

(1) take the necessary measures to contribute to the psychotherapeutic rehabilitation of a close relation of the crime victim if it considers such rehabilitation helpful for the rehabilitation of the victim; and

(2) take the necessary measures to contribute to the psychotherapeutic rehabilitation of a close relation of the victim of a homicide who sustains psychological injury as a result of the crime.

For the purposes of this section, “close relation” means the victim’s spouse, the victim’s father or mother or a person standing *in loco parentis* to the victim, the victim’s child or the victim’s spouse’s child, the victim’s brother or sister, the victim’s grandfather or grandmother or the child of the spouse of the victim’s father or mother.

For the purposes of subparagraph 1 of the first paragraph,

(1) “close relation” also means any other significant person in the victim’s life, chosen by the victim;

(2) the close relation is designated by the victim or, if the victim is less than 14 years old or unable to do so, by the victim’s representative; and

(3) only one close relation of the victim may take advantage of rehabilitation measures; such measures may, however, be taken in respect of the victim’s father and mother or the persons standing *in loco parentis* to the victim, if the victim is less than 18 years old at the time of the crime.

For the purposes of subparagraph 2 of the first paragraph, “victim of a homicide” means a person who died following an offence the description of

which corresponds to a criminal offence mentioned in the schedule to this Act, a person who disappeared if it may be inferred from the circumstances of the disappearance that the person's death is probable and that the disappearance is the result of a criminal offence, or a person who died in the circumstances described in subparagraphs *b* and *c* of the first paragraph of section 3.

“5.2. The Government may, by regulation, determine the persons who are qualified to provide services under the measures taken under section 5.1, set the conditions such persons must meet, establish the tariff of fees payable by the Commission and set the maximum number of sessions the Commission may authorize.”

3. Section 6 of the Act is amended

(1) by replacing “\$600” in the third line by “\$3,000”;

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

“The amount of the indemnity for funeral expenses is revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).”

4. Section 20 of the Act is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) to a claimant who was a party to the offence or who, through his gross fault, contributed to the injuries or death of the victim;”.

5. Section 23 of the Act is amended by adding the following sentence at the end of the first paragraph: “The report must state, in respect of section 5.1, the number of applications submitted, the number of applications accepted and the total amounts paid out.”

6. Section 63 of the Workers' Compensation Act (R.S.Q., chapter A-3) is amended by replacing “and the degree of impairment of earning capacity” in subsection 4 by “, the degree of impairment of earning capacity and the admissibility of an application for psychotherapeutic rehabilitation services made by a close relation of a crime victim referred to in section 5.1 of the Crime Victims Compensation Act (chapter I-6)”.

7. Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 70 of chapter 31 of the statutes of 2004, section 158 of chapter 15 of the statutes of 2005, section 14 of chapter 16 of the statutes of 2005, section 246 of chapter 32 of the statutes of 2005 and section 143 of chapter 47 of the statutes of 2005, is again amended by inserting the following paragraph after paragraph 2 of section 5:

“(2.1) proceedings against decisions pertaining to the admissibility of an application by a close relation of a crime victim referred to in section 5.1 of

the Crime Victims Compensation Act for psychotherapeutic rehabilitation services, brought under section 65 of the Workers' Compensation Act for the purposes of the Crime Victims Compensation Act;”.

8. The Commission de la santé et de la sécurité du travail must, not later than the date occurring two years after the date of coming into force of section 5.1, enacted by section 2, present a report to the Minister of Justice on the application of this section. The Minister forwards the report to the Government within 90 days of receiving it and adds any recommendation on the advisability of amending that section.

The Minister tables the report and the recommendations, if any, in the National Assembly within 30 days of submitting the report to the Government or, if the Assembly is not sitting, within 30 days of resumption.

9. The provisions of this Act, except section 4, apply in the case of criminal offences committed on or after 9 May 2006.

Despite section 11 of the Crime Victims Compensation Act, an application based on section 5.1 of that Act or on an amendment made to section 6 of that Act by this Act may be submitted to the Commission de la santé et de la sécurité du travail within 12 months of the date of coming into force of the provision on which the application is based, if the criminal offence was committed between 9 May 2006 and the date of coming into force of that provision. The amendments introduced by sections 4, 6 and 7 of this Act apply to such an application.

10. Despite section 11 of the Regulations Act (R.S.Q., chapter R-18.1), the first regulation under section 5.2 of the Crime Victims Compensation Act, enacted by section 2, may be made on the expiry of 15 days following the date of its publication in the *Gazette officielle du Québec*.

11. The provisions of this Act come into force on the date or dates set by the Government, but not later than 1 April 2007.