



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 29

(2012, chapter 3)

An Act to establish the Access to Justice Fund

Introduced 29 November 2011
Passed in principle 29 February 2012
Passed 5 April 2012
Assented to 5 April 2012

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EXPLANATORY NOTES

This Act proposes the creation of the Access to Justice Fund within the Ministère de la Justice, to be dedicated to financing projects or activities aimed at enhancing the public's knowledge and understanding of Québec law and Québec's legal system and helping the public to better navigate the system.

Provision is made for the sums to be credited to and debited from the Fund.

The Code of Penal Procedure is amended to raise the contribution payable by offenders under the statutes and regulations of Québec from \$10 to \$14, with the increase to be credited to the Fund.

LEGISLATION AMENDED BY THIS ACT:

- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19).

Bill 29

AN ACT TO ESTABLISH THE ACCESS TO JUSTICE FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

1. The Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by inserting the following division after Division III:

“DIVISION III.0.1

“ACCESS TO JUSTICE FUND

“**32.0.1.** The Access to Justice Fund is hereby established within the department.

The purpose of this special fund is to support actions that enhance the public’s knowledge and understanding of Québec law and Québec’s legal system and help the public to better navigate the system.

“**32.0.2.** The Fund is dedicated to financing projects or activities geared to the public that focus on access to justice. Organized by the department or another party, the projects or activities must aim to further any of the following objectives:

(1) knowledge and understanding of the law, particularly legislation applicable in Québec;

(2) knowledge of Québec’s network of courts of justice and administrative tribunals, and a better understanding of how it works and of legal and administrative proceedings;

(3) the use of various means of preventing or resolving disputes and of more easily obtaining or enforcing judicial or administrative decisions;

(4) the drafting and dissemination of legal information in simple and clear language or language adapted to a specific clientele;

(5) the creation, distribution and use of legal instruments or referral services;

(6) access to legal services, including services provided free of charge or at a moderate cost by community organizations;

- (7) the optimal use of legal services;
- (8) research on access to the law or the justice system and on the public's expectations in that regard; and
- (9) the improvement, in any way, of the Québec model of access to justice.

“32.0.3. The following are credited to the Fund:

- (1) the sums transferred to it by the Minister of Justice out of the appropriations granted for that purpose by Parliament;
- (2) the sums collected under article 8.1 of the Code of Penal Procedure (chapter C-25.1), in the proportion determined in that article;
- (3) the sums transferred to it by the Minister of Justice out of the sums credited to the general fund up to the amount of the sums paid by the Government of Canada under cost-sharing agreements related to projects or activities financed by the Fund;
- (4) the sums transferred to it by the Minister of Finance under section 53 or 54 of the Financial Administration Act (chapter A-6.001);
- (5) the gifts, legacies and other contributions paid into it to further the purpose of the Fund; and
- (6) the revenues generated by the sums credited to the Fund.

“32.0.4. The following are debited from the Fund:

- (1) financial assistance granted by the Minister under section 32.0.5; and
- (2) any other expenditure and any costs arising from a financial commitment relating to an investment, required to achieve the purpose of the Fund.

“32.0.5. The Minister may grant financial assistance to any person or body to facilitate the carrying out of projects or activities described in section 32.0.2.

The Minister shall determine, by regulation, the conditions for receiving such assistance, and the categories of persons or bodies to which some or all of those conditions do not apply.

“32.0.6. The Minister shall establish an advisory committee to advise the Minister on the choice of projects or activities submitted under section 32.0.5 and on the priorities and policy directions the Minister should keep in mind when granting financial assistance for carrying out projects or activities.

The committee may, on its own initiative or at the request of the Minister, give an opinion on all questions concerning the Fund.

The committee is composed of five members: one designated by the Barreau du Québec, one designated by the Chambre des notaires du Québec and three designated by the Minister, including one from the university sector, one from the community sector and one to represent the public. The members are appointed for a two-year, renewable term. The Minister shall appoint a committee secretary from among the public servants in the Minister's department.

The Minister shall make public the priorities and policy directions considered when granting financial assistance for carrying out projects or activities, and shall table them before the National Assembly.

“32.0.7. The Minister shall table before the National Assembly, for each fiscal year, a detailed report on the activities of the Fund.”

2. The heading of Division III.1 of the Act is replaced by the following heading:

“REGISTER FUND OF THE MINISTÈRE DE LA JUSTICE”.

3. Section 32.1 of the Act is amended by inserting “within the department” after “established”.

CODE OF PENAL PROCEDURE

4. Article 8.1 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended

(1) by replacing “\$10” in the first paragraph by “\$14”;

(2) by replacing “shall be used to provide assistance to victims of crime to the extent determined by the Government” in the last paragraph by “shall, in a proportion of 10/14, be used to provide assistance to victims of crime and, in a proportion of 4/14, be credited to the Access to Justice Fund established under the Act respecting the Ministère de la Justice”.

TRANSITIONAL AND FINAL PROVISIONS

5. The expenditure and investment estimates for the Access to Justice Fund set out in the schedule are approved for the 2012-2013 fiscal year.

6. Out of the sums credited to the general fund, the Minister of Justice may transfer to the Access to Justice Fund the remaining appropriations allocated by Parliament for element 3, “Other Measures for Justice Accessibility” of Program 4, “Justice Accessibility” of the “Justice” portfolio in the Expenditure Budget for the 2012-2013 fiscal year.

7. This Act comes into force on 5 April 2012, except paragraph 2 of section 32.0.3, enacted by section 1, and section 4, which come into force at a later date determined by the Government.

SCHEDULE I
(section 5)

Expenditure and investment estimates for the Access to Justice Fund for the fiscal year 2012-2013

	Expenditures	Investments
ACCESS TO JUSTICE FUND	<u>6,925.4</u>	<u>—</u>
ACCESS TO JUSTICE FUND		
(thousands of dollars)		
		2012-2013
		Result estimates
REVENUES		
Revenues - Part Financed by Departmental Portfolio		2,928.4
Other Revenues		4,110.0
Total Revenues		7,038.4
Expenditures		6,925.4
Surplus (Deficit) of the Fiscal Year		113.0
Beginning Cumulative Surplus (Deficit)		—
Ending Cumulative Surplus (Deficit)		113.0
Investments		—
Financing Fund Loan Balance		(2,287.0)
Balance of Advances from/to the General Fund		<u>—</u>
Total Amount Borrowed or Advanced		(2,287.0)