

CONSOLIDATION OF VICTIMS OF CRIME ACT

R.S.N.W.T. 1988,c.9(Supp.)
In force April 1, 1989: SI-013-89

(Current to: July 29, 2010)

The following provision has been deleted for the purposes of this consolidation:
s.21 (Commencement)

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.34
In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2003,c.26,s.254 (as amended by S.Nu. 2005,c.12,s.12 [in force May 5, 2005])
s.254 in force July 9, 2005: SI-001-2005
S.Nu. 2010,c.3,s.19
s.19 in force March 23, 2010

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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VICTIMS OF CRIME ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"Committee" means the Victims Assistance Committee established by subsection 2(1); (*Comité*)

"Fund" means the Victims Assistance Fund established by subsection 11(1); (*Fonds*)

"harm" includes

- (a) physical or mental injury,
- (b) emotional suffering,
- (c) economic loss, or
- (d) substantial impairment of fundamental rights; (*préjudice*)

"judge" means a judge of the Nunavut Court of Justice and includes a justice of the peace; (*juge*)

"victim" means a person who has, or a group of persons who have, suffered harm through an act or omission that contravenes a criminal law or a law that has penal consequences, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted. (*victime*)

Expanded definition of "victim"

(2) For greater certainty, "victim" includes

- (a) a person who has, or a group of persons who have, suffered harm in intervening to assist a victim in distress or to prevent a person's victimization; and
- (b) where appropriate, the immediate family or dependant of a direct victim.

S.N.W.T. 1998,c.34,Sch.C,s.34; S.Nu. 2010,c.3,s.19(2),(3).

VICTIMS ASSISTANCE COMMITTEE

Establishment of Committee

2. (1) A committee called the Victims Assistance Committee is established.

Composition and appointment

(2) The Committee shall be composed of three members who shall be appointed by the Minister.

Term

(3) The term of each member of the Committee shall not exceed three years, as specified in the appointment.

Honorarium

(4) The members of the Committee may be paid an honorarium in an amount determined by the Minister.

Quorum

(5) Two members of the Committee constitute a quorum.

Chairperson

3. The Minister shall designate one of the members as chairperson of the Committee.

Conflict of interest

4. (1) A member of the Committee who is associated with a person, organization or institution that is being considered for funding under section 7 shall disclose that association.

Power of member to vote

(2) A member referred to in subsection (1) may vote on any question relating to a proposed recommendation of the Committee unless the member has a direct pecuniary interest in the funding.

Promotion of services to victims

5. The Committee shall promote

- (a) courteous and compassionate treatment of victims;
- (b) prompt redress for victims, through civil and criminal law procedures, for the harm that they have suffered;
- (c) the availability of information to a victim about
 - (i) the scope, nature, timing and progress of the prosecution of the offence in which he or she was a victim,
 - (ii) the role of the victim in the court proceeding,
 - (iii) the remedies and the social, legal, medical and mental health services available to the victim and the mechanisms to obtain access to them, and
 - (iv) the responsibility of the victim to report the crime and co-operate with law enforcement authorities;
- (d) research into and the distribution of information about services to victims and the needs and concerns of victims;
- (e) assistance to victims in bringing their views and concerns to the attention of the court where their personal interests are affected, and where it is consistent with criminal law and procedure;
- (f) measures to be taken to minimize inconvenience to victims and to ensure the safety of victims; and

- (g) training for police, health, social service and other personnel as to the needs and concerns of victims.

Programs

6. The Committee may work with prosecutors and with law enforcement agencies, courts, social agencies and any organizations established to serve victims in order to assist them in developing programs that promote the purposes of this Act.

Applications and submissions

- 7.** (1) Any person, organization or institution may submit, to the Committee, applications and submissions relating to
- (a) the needs and concerns of victims;
 - (b) funding of and research into services to victims and the needs and concerns of victims;
 - (c) funding of services to victims;
 - (d) distribution of information respecting services to victims and the needs and concerns of victims; and
 - (e) promotion and delivery of services to victims.

Applications submitted to Committee

(2) Any application for funding from the Fund shall be submitted to the Committee for a recommendation as to whether the funding should be given.

Review and recommendation

- (3) The Committee
- (a) shall review the applications and submissions made under subsections (1) and (2);
 - (b) may consider for funding, at its discretion, any other person, organization or institution that is or may be established to serve victims; and
 - (c) shall recommend to the Minister the names of proposed recipients of money from the Fund, the terms and conditions on which the money should be paid and the purposes for which the money should be spent.

Other recommendations

- (4) The Committee may make recommendations to the Minister relating to
- (a) the development of policies respecting services to victims; and
 - (b) any other matter that the Minister refers to the Committee.

Review

8. The Committee shall review the operation, development and cost of services to victims and research projects for which money from the Fund is spent.

Examination of documents

9. The Committee may require a person, organization or institution that is being considered for funding under section 7, or a recipient of funding under section 14, to submit to the Committee any reports, contracts or documents related to the application or receipt that the Committee considers advisable.

Report

10. (1) The Committee shall, within four months after the end of each fiscal year of the Fund, make a report to the Minister on the activities of the Committee for that fiscal year.

Report laid before Legislative Assembly

(2) The Minister shall lay a copy of the report of the Committee before the Legislative Assembly immediately after receiving the report or, if the Legislative Assembly is not then in session, at the next session.

VICTIMS ASSISTANCE FUND

Establishment of Fund

11. (1) A fund called the Victims Assistance Fund is established.

Special purpose fund

(2) The Fund is a special purpose fund as defined in the *Financial Administration Act*.

Surcharge

12. (1) Subject to subsections (2.1) and (3), every person, other than a young person, who is convicted of an offence under an enactment, shall pay a surcharge

- (a) in an amount to be determined by multiplying the amount of the fine or penalty that is imposed on the person for the offence by a percentage, not to exceed 20%, that is prescribed; or
- (b) in the amount of \$25, where no fine is imposed on the person for the offence.

Payment priorities

(2) Where a person pays only a portion of a fine and surcharge that must be paid under paragraph (1)(a), the payment received must be applied

- (a) first, in payment of the surcharge; and
- (b) second, in payment of the fine.

Natural Resources Conservation Trust Fund

(2.1) No surcharge under this Act is applicable where a surcharge is levied for an offence under the *Wildlife Act* to the credit of the Natural Resources Conservation Trust Fund.

Exception

(3) A judge may waive or reduce the surcharge where

- (a) **repealed, S.Nu. 2010,c.3,s.19(4).**
- (b) the person establishes to the satisfaction of the judge that the surcharge would result in undue hardship to the person.

Reasons for waiving or reducing surcharge

(4) Where the judge waives or reduces the surcharge, the judge shall

- (a) provide the reasons why the surcharge is being waived or reduced; and
- (b) enter the reasons in the record of the proceedings or, where the proceedings are not recorded, provide written reasons.

Enforcement

(5) Subject to this Act, the provisions of the *Summary Conviction Procedures Act* and regulations made under that Act respecting payment of a fine or penalty and imprisonment in default of payment of a fine or penalty apply, with such modifications as the circumstances require, to payment of a surcharge.

Work option

(6) No person shall discharge all or any part of a surcharge by means of a work option as defined in the *Fine Option Act*. S.Nu. 2003,c.26,s.254; S.Nu. 2010,c.3,s.19(4).

Payment into Fund

13. (1) Subject to subsection (2), money that is received for or otherwise credited to the Fund, including

- (a) the surcharge when collected, and
- (b) any money from a person or source made payable to the Fund,

must be paid to the Minister for the account of the Fund.

Idem

(2) Money that is received from the Government of Canada in accordance with an agreement entered into under section 19, may be deposited to the account of the Fund at the discretion of the Minister.

Money held in trust

(3) The Fund shall be held in an account forming part of the Consolidated Revenue Fund, in trust for the purposes of this Act.

Disbursements from Fund

14. (1) The Minister may authorize disbursements from the Fund for

- (a) promotion and delivery of services to victims;
- (b) research into services to victims and needs and concerns of victims;
- (c) distribution of information respecting services to victims and needs and concerns of victims;

- (d) remuneration of members of the Committee for their services and for reimbursement of reasonable expenses incurred on behalf of the Committee; and
- (e) any other purpose the Minister considers necessary for carrying out the purposes of this Act.

Trust conditions

(2) Money received into the Fund subject to trust conditions must be disbursed according to those conditions.

Recommendations of Committee

(3) The Minister shall consider the recommendations of the Committee before authorizing disbursements under subsection (1).

Disbursements from Fund

(4) No disbursements shall be made from the Fund unless authorized under subsection (1).

Limitation

(5) Disbursements made from the Fund shall be limited to the amount of money in the Fund.

Direct compensation

15. The Fund shall not be used to provide direct financial compensation to individual victims.

Investment of excess moneys

16. If at any time the balance to the credit of the Fund or the amount received subject to trust conditions is in excess of the amount that is required for the immediate purposes of this Act or the trust conditions, the Minister may invest the excess in a manner authorized by the *Financial Administration Act* and any income shall be credited to the Fund.

Fiscal year

17. The fiscal year of the Fund is the period beginning on April 1 in one year and ending on March 31 in the following year.

GENERAL

Creation of cause of action or right

18. This Act does not create any civil cause of action, right to damages or any right of appeal on behalf of any person.

Agreements

19. The Minister, on behalf of the Government of Nunavut, may enter into agreements with the Government of Canada respecting funding to assist victims and for the carrying out of the purposes of this Act. S.Nu. 2010,c.3,s.19(5).

Regulations

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

- (a) prescribing the percentage for the purpose of determining the amount of the surcharge; and
- (b) for carrying out the purposes and provisions of this Act.