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2nd SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
1 CHARLES III, 2022

(Bill No. 70)

An Act to Amend the Victims of Crime Act

Hon. Darlene Compton
Minister of Justice and Public Safety and Attorney General

GOVERNMENT BILL

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**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

ASSEMBLY / SESSION / YEAR
66th General Assembly / 2nd / 2022

AMENDMENTS

BILL NUMBER: 70 **PAGE No. 2 of 8 PAGES**

TITLE: An Act to Amend the Victims of Crime Act

#	SECTION	AMENDMENT	DATE

NOTED:	CERTIFIED CORRECT:
_____	_____
COMMITTEE CLERK	CHAIR, IN COMMITTEE



AN ACT TO AMEND THE VICTIMS OF CRIME ACT

BILL NO. 70

2022

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) Subsection 1(2) of the *Victims of Crime Act R.S.P.E.I. 1988, Cap. V-3.1*, is amended by the deletion of the words “and may designate officers to act on his behalf”.

(2) Section 1 of the Act is amended by the addition of the following after subsection (2):

Minister may delegate powers, etc.

(3) The Minister may delegate in writing to an employee of the Department any of the powers, responsibilities and functions of the Minister under this Act as the Minister considers advisable.

2. Section 6 of the Act is repealed and the following substituted:

6. Membership of Committee

- (1) The Committee shall consist of not less than nine and not more than 20 members, composed of**
- (a) one member representing each organization specified in the regulations, designated by the specified organization;**
 - (b) three or more members who are employees of Government, designated by the Minister; and**
 - (c) one or more members representing the general public, appointed by the Lieutenant Governor in Council.**

Representation

- (2) In addition to the representatives of the general public appointed under clause (1)(c), the membership of the Committee shall include representation from the following professions, groups and organizations:**
- (a) Crown attorneys;**
 - (b) court clerks;**
 - (c) probation services;**
 - (d) law enforcement agencies;**
 - (e) the Law Society of Prince Edward Island;**

(f) community organizations.

Reimbursement for expenses

(3) Committee members shall not receive remuneration for their services but may receive reimbursement from the Fund of reasonable expenses incurred on behalf of the Committee.

Assistance to Committee

(4) The Minister shall provide executive, secretarial and any other assistance the Minister considers necessary to enable the Committee to carry out its functions.

Term of public representative

(5) A member appointed to the Committee under clause (1)(c) shall be appointed for a term of not more than three years and may be reappointed for a second term.

Acting member

(6) Where a member of the Committee referred to in clause (1)(a) or (b) is unable to carry out the member's duties by reason of illness, absence or another reason, the person or body that designated the member may designate another person to act as or be a member of the Committee in the place of the original member.

Continuation of current members

(7) Despite subsection (1), a member of the Committee who was appointed prior to the date on which this section comes into force continues as a member until the earlier of

- (a) the date on which the member's appointment expires; and
- (b) the date on which the member resigns.

3. Section 13 of the Act is amended

(a) **in clause (d), by the deletion of the words “designated by the Minister to carry out the duties prescribed by this Act” and the substitution of the words “to whom a power, responsibility or function of the Minister under this Part has been delegated pursuant to subsection 1(3)”;** and

(b) **by the addition of the following after clause (f):**

(f.1) **“police service”** means a police service as defined in the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

4. (1) Clause 26(1)(b) of the Act is amended by the deletion of the word “thereof” and the substitution of the words “of the compensation”.

(2) Subsection 26(2) of the Act is amended by the deletion of the word “thereto” and the substitution of the words “to the compensation”.

5. **Section 27 of the Act is amended by the deletion of the word “thereof” and the substitution of the words “of the documents or copies of the documents”.**
6. **Section 31 of the Act is amended by the deletion of the word “thereto” and the substitution of the words “to compensation under this Act”.**
7. **Subsection 32(3) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.**
8. **Subsection 35(1.1) of the Act is amended**
 - (a) **by the deletion of the word “government” and the substitution of the word “Government”; and**
 - (b) **by the deletion of the words “police force in the province” and the substitution of the words “police service”.**
9. **The Act is amended by the addition of the following after section 35:**

35.1 Definition, “victim services record”

- (1) In this section, “**victim services record**” means a record created by or for, or that is in the custody or under the control of, the Department for the purposes of assisting a person who is a victim or providing services to a victim under this Act.

Right of access limited

- (2) Notwithstanding Part 1 of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, a person is not entitled to access to a victim services record unless the person is the victim to whom the record pertains.

Right to request correction limited

- (3) Notwithstanding section 34 of the *Freedom of Information and Protection of Privacy Act*, a person is not entitled to request correction of personal information in a victim services record unless
 - (a) the person is the victim whose personal information is contained in the victim services record; and
 - (b) the personal information that is requested to be corrected is the personal information of the victim.

Right to request review limited

- (4) Notwithstanding section 60 of the *Freedom of Information and Protection of Privacy Act*, a person is not entitled to request that the Information and Privacy Commissioner appointed under that Act review any decision, act or failure to act with respect to a request for access to a victim services record, or for correction of personal information in a victim services record, unless the person is the victim to whom the victim services record or the personal information pertains.

Authority to act on behalf of victim limited

- (5) Notwithstanding the authority granted under section 71 of the *Freedom of Information and Protection of Privacy Act*, the authority of a person listed in that section to exercise a right or power on behalf of an individual who is a victim shall not be exercised with respect to a victim services record pertaining to that victim where the person authorized under section 71 has been convicted of harming the victim or, in the opinion of the Minister, the person authorized under section 71 is alleged to have caused the victim to suffer harm, including physical or mental injury, emotional suffering or economic loss, by reason of acts that are in contravention of criminal laws.

10. Section 37 of the Act is repealed and the following substituted:

37. Regulations

The Lieutenant Governor in Council may make regulations

- (a) specifying organizations that are authorized to designate a representative as a member of the Committee under clause 6(1)(a);
- (b) prescribing the amount of the surcharge to be imposed under subsection 9(1);
- (c) providing that where money is received by a court official in respect of a conviction for an offence under an enactment, it shall be applied first to the payment of the surcharge;
- (d) prescribing the small claims amount for the purposes of subsection 15(3);
- (e) specifying sections of the *Criminal Code* (Canada) for the purposes of section 16;
- (f) designating payments or amounts, or classes of payments or amounts, that shall not be deducted pursuant to section 24 in assessing compensation;
- (g) establishing the maximum amount of compensation that may be awarded pursuant to subsection 25(1).

EXPLANATORY NOTES

SECTION 1 amends subsection 1(2) of the *Victims of Crime Act* R.S.P.E.I. 1988, Cap. V-3.1, to delete the specified words authorizing the Minister to designate officers, and adds a new subsection 1(3) to set out in more detail the authorization for the Minister to delegate any of the Minister's powers, responsibilities and functions in writing to an employee of the Department.

SECTION 2 amends subsection 6(1) of the Act to increase the maximum number of members of the Committee from 15 to 20.

SECTION 3 amends clause 13(d) of the Act to refer to a delegation by the Minister pursuant to the new subsection 1(3), and to add a new clause (f.1) that provides a definition of the term "police service" which is used in Part IV of the Act.

SECTIONS 4, 5 and 6 amend sections 26, 27 and 31 of the Act respectively to substitute modern wording for the terms "thereto" and "thereof", for clarity.

SECTION 7 amends subsection 32(3) of the Act to substitute modern wording for the term "therein", for clarity.

SECTION 8 amends subsection 35(1.1) of the Act to substitute the term "police service" in that subsection, for consistency with the amendment made by section 2, above.

SECTION 9 amends the Act to add a new section 35.1 that restricts specified rights in respect of a victim services record, as that term is defined, under the *Freedom of Information and Protection of Privacy Act*. Subsection 35.1(1) defines "victim services record". Subsection 35.1(2) restricts the right of access to a victim services record to a person who is the victim to whom the record pertains. Subsection 35.1(3) restricts the right to request a correction of personal information in a victim services record to a person who is the victim whose personal information is contained in the record, and restricts the scope of the correction to that victim's personal information. Subsection 35.1(4) restricts the right to ask the Information and Privacy Commissioner to review a decision pursuant to subsection (2) or (3) to a person who is the victim to whom the victim services record or the personal information pertains. Subsection 35.1(5) restricts the authority of a person under section 71 of the *Freedom of Information and Protection of Privacy Act* to exercise that authority on behalf of a victim where the authorized person has been convicted of harming the victim or, in the opinion of the Minister, the authorized person is alleged to have caused the victim to suffer harm, as specified.

SECTION 10 repeals section 37 of the Act and substitutes a new section 37 with specific regulation-making powers.

(Bill No. 70)

An Act to Amend the Victims of Crime Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 1, 2022
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Hon. Darlene Compton
Minister of Justice and Public Safety and Attorney General

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