



Province of Alberta

**VICTIMS OF CRIME
(STRENGTHENING PUBLIC SAFETY)
AMENDMENT ACT, 2020**

Statutes of Alberta, 2020
Chapter 18

Assented to June 26, 2020

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Bill 16

**VICTIMS OF CRIME (STRENGTHENING
PUBLIC SAFETY) AMENDMENT ACT, 2020**

Chapter 18

(Assented to June 26, 2020)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cV-3

1 The *Victims of Crime Act* is amended by this Act.

2 The title of the Act is repealed and the following is
substituted:

**VICTIMS OF CRIME AND
PUBLIC SAFETY ACT**

3 Section 1 is amended

(a) by adding the following after clause (c):

(c.1) “Class Action Settlement Agreement” means the
Settlement Agreement approved by the Court of Queen’s
Bench in Action #0403 12898;

(b) in clause (d) by striking out “Victims of Crime Programs
Committee” and substituting “Victims of Crime and
Public Safety Programs Committee”;

(c) by repealing clause (i) and substituting the following:

(i) “former Act” means the *Victims of Crime Act*, RSA 2000
cV-3, as it existed immediately before this clause comes
into force;

(d) by repealing clause (j) and substituting the following:

- (j) “Fund” means the Victims of Crime and Public Safety Fund continued under section 9(1);

(e) by repealing clauses (k.01) and (k.1) and substituting the following:

- (k.1) “police service” means a police service as defined in the *Police Act* and includes any other police service prescribed in the regulations;
- (k.2) “public safety” means public safety in the context of criminal justice and proceedings under the *Provincial Offences Procedure Act*;
- (k.3) “Review Board” means the Criminal Injuries Review Board referred to in section 7;

4 Section 2 is amended

(a) by repealing subsection (1)(d) and substituting the following:

- (d) victims should receive benefits promptly in accordance with this Act and the regulations;

(b) by adding the following after subsection (2):

- (3) Public safety should be protected and promoted through government collaboration and investment in priority programs and initiatives.

5 Section 5(1) is repealed and the following is substituted:

Committee

5(1) The Victims of Crime Programs Committee is continued as the “Victims of Crime and Public Safety Programs Committee”.

(1.1) The Committee is to consist of at least 3 but not more than 5 members appointed by the Minister.

6 Section 6 is amended by repealing clauses (a) and (b) and substituting the following:

- (a) evaluate applications for grants relating to programs or initiatives intended to benefit victims of crime or to promote

public safety, and provide recommendations to the Minister based on those evaluations,

- (b) provide information with respect to programs and services that assist victims and promote public safety, and

7 Section 7.1 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Panels

7.1(1) The Review Board shall, subject to and in accordance with this Act and the regulations, review decisions of the Director made under section 13 or 15 of the former Act that relate to a member of the class described in the Class Action Settlement Agreement until there is an order of the Court of Queen’s Bench winding up the proceedings that gave rise to the Class Action Settlement Agreement.

- (b) **in subsection (2.1) by striking out “section 14(4)” and substituting “section 14(3)”.**

8 Section 9 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Fund

9(1) The Victims of Crime Fund is continued as the “Victims of Crime and Public Safety Fund”.

- (b) **in subsection (2)(e) by striking out “subject to section 19(2),”.**

9 Section 10 is repealed and the following is substituted:

Use of Fund

10 The Minister may, in accordance with this Act and the regulations, make payments from the Fund with respect to the following:

- (a) grants relating to programs that benefit victims of crime and promote public safety;
- (b) without limiting the generality of clause (a), grants relating to programs that provide counselling to children

- who are victims of sexual exploitation or other criminal offences causing physical or mental harm;
- (c) programs and initiatives that benefit victims of crime and promote public safety;
 - (d) costs incurred by the Committee and the Review Board in carrying out its duties under this Act;
 - (e) remuneration and expenses payable to the members of the Committee and the Review Board;
 - (f) financial benefits payable pursuant to sections 13 and 15;
 - (g) death benefits payable pursuant to section 13.01;
 - (h) the costs of administering this Act.

10 Section 12 is repealed and the following is substituted:

Eligibility for financial benefits

12(1) A victim is

- (a) eligible for financial benefits in accordance with the regulations if the injury to the victim was the direct result of an act or omission that occurred in Alberta and that is one of the offences under the *Criminal Code* (Canada) specified in the regulations, and
 - (b) not eligible for financial benefits if
 - (i) the victim was convicted of a criminal offence arising from the events that resulted in the injury, or
 - (ii) the offence was not reported to a police service within a reasonable period of time after the date the victim first knew or in the circumstances ought to have known that the offence occurred.
- (2)** A victim is eligible for the following financial benefits only:
- (a) financial benefits applied for under section 12 of the former Act if, before the coming into force of this section, the Director has neither dismissed the application nor provided the applicant with a copy of the Director's decision and reasons for decision under section 13 of the former Act;

- (b) a supplemental benefit for victims who suffer a severe neurological injury, as defined in the regulations;
- (c) a payment referred to in section 15;
- (d) subject to subsection (3), a financial benefit in respect of which a person may submit a request for reconsideration under section 20(1), concerning a member of the class described in the Class Action Settlement Agreement.

(3) If the Court of Queen's Bench issues an order winding up the proceedings that gave rise to the Class Action Settlement Agreement, subsection (2)(d) has no effect.

11 Sections 12.2 and 12.3 are repealed and the following is substituted:

Application for supplemental benefit

12.2(1) An application may be made under section 12

- (a) only in respect of a supplemental benefit referred to in section 12(2)(b), and
- (b) only if the offence was reported to a police service within a reasonable period of time after the offence occurred.

(2) Except as provided in section 12.4, the application must be made within 2 years after the date on which the applicant first knew or in the circumstances ought to have known that the offence occurred.

Application for death benefit

12.3(1) An application under section 12.1 may be made only if the offence was reported to a police service within a reasonable period of time after the offence occurred.

(2) Except as provided in section 12.4, the application must be made within 2 years after the date on which the applicant first knew or in the circumstances ought to have known that the offence occurred.

12 Section 12.4 is amended by striking out “Notwithstanding sections 12.2(2)(b) and 12.3” and substituting “Despite sections 12.2(2) and 12.3(2)”.

13 Section 13 is amended

- (a) **in subsection (1) by striking out** “On receipt of an application for financial benefits” **and substituting** “On receipt of an application under section 12.2 in respect of a supplemental benefit”;
- (b) **in subsection (3) by adding** “of the former Act” **after** “an application made under subsection (1)”.

14 Section 13.1 is repealed and the following is substituted:**Information**

13.1(1) The Director is authorized to collect information, including personal information that the Director reasonably believes is necessary, for the purpose of determining whether a person is eligible for a benefit under this Act or the amount of that benefit.

- (2) The Director is authorized for the purposes of subsection (1) to collect and use information, including personal information, from
 - (a) a police service relating to the event to which the benefit relates or to determine previous conduct of the victim,
 - (b) a person who provided diagnostic services, treatment or care or other similar medical services to the victim, or
 - (c) a public body as defined in the *Freedom of Information and Protection of Privacy Act* to determine or verify whether a person is eligible for a benefit under this Act.
- (3) The persons, bodies and agencies referred to in subsection (2) are authorized to provide information, including personal information, to the Director for the purpose of determining whether a person is eligible for a benefit under this Act.
- (4) The Director may disclose information, including personal information, collected under this Act
 - (a) to any person for the purpose of determining whether a person is eligible for a benefit under this Act or the amount of that benefit, or
 - (b) to a parent, spouse or adult interdependent partner, child or other family member of an applicant or victim or to a recognized victim services agency for the purpose of

- (i) confirming the existence or status of an application received from an applicant or victim, or
- (ii) disclosing the amount of any award if, in the Director's opinion, to do so would not be an unreasonable invasion of the applicant's or victim's personal privacy.

15 Section 14(1) to (7) are repealed and the following is substituted:

Review by chair or member designated by chair

14(1) The chair or a member designated by the chair must consider requests for review of a benefit concerning a member of the class described in the Class Action Settlement Agreement until there is an order of the Court of Queen's Bench winding up the proceedings that gave rise to the Class Action Settlement Agreement.

(2) The Director, on being notified of the request for review, must provide the chair or member designated by the chair with a copy of all information collected or generated by the Director in respect of the application for financial benefits, the Director's decision and reasons for the decision.

(3) The chair or member designated by the chair must evaluate the request and information provided by the Director and determine whether the request

- (a) is frivolous, vexatious or made in bad faith, or
- (b) has no grounds.

(4) If the chair or member designated by the chair determines under subsection (3)(a) that the request is frivolous, vexatious or made in bad faith, or determines under subsection (3)(b) that the request has no grounds, the chair or member designated by the chair may dismiss the request and notify the applicant and the Director of the decision.

(5) The Review Board, chair or member designated by the chair, as the case may be, may refer an application for financial benefits back to the Director for reconsideration of the Director's decision if at any time before the Review Board makes a decision under section 14.01(1) it is determined that significant new information exists respecting the application.

(6) The Review Board, chair or member designated by the chair, as the case may be, must notify the applicant of a referral made under subsection (5).

(7) If a request is not dismissed under subsection (4) and the application is not referred back to the Director under subsection (5), the chair or member designated by the chair must refer the matter to the Review Board for review in accordance with section 7.1 and must

- (a) notify the Director of the referral, and
- (b) notify the applicant of
 - (i) the referral, and
 - (ii) the applicant's right to choose whether the review will be conducted orally or in writing.

16 Section 14.01(4) is repealed and the following is substituted:

(4) A decision of the Review Board under subsection (1) is final.

17 Section 14.1 is repealed.

18 Section 15 is repealed and the following is substituted:

Payments

15(1) In this section, "CIC Act" means the *Criminal Injuries Compensation Act*, RSA 1980 cC-33.

(2) Subject to subsection (3), if The Crimes Compensation Board under the CIC Act made an order for the payment of compensation, including periodic payments, and all the payments ordered by that Board have not been paid, the Minister must, subject to there being sufficient money in the Fund, continue to make the payments, as financial benefits, as ordered by that Board.

(3) The Director may, in accordance with this Act, review and rescind, confirm or vary an order under the CIC Act under which payments are paid or payable

- (a) on an application by or on behalf of the person to whom or for whose benefit compensation is payable under the CIC Act, or

(b) on the Director's own initiative.

(4) The Director may impose any terms and conditions that the Director considers appropriate on an order reviewed pursuant to subsection (3).

(5) This Act and the regulations under this Act apply to reviews of orders made under the CIC Act.

19 Section 15.1 is repealed and the following is substituted:

Director's decision

15.1 After making a decision under section 13, 13.01, 15 or 21(4)(a), the Director must

- (a) provide the applicant with a copy of the decision and reasons for the decision, and
- (b) advise the applicant
 - (i) that the applicant may request that the Review Board review the Director's decision under section 13 or 15 of the former Act, if the decision relates to a member of the class described in the Class Action Settlement Agreement, or
 - (ii) that the applicant may, within 30 days, apply for judicial review of the decision.

20 Section 16 is amended

- (a) **in subsection (1) by striking out** "financial benefits, a death benefit" **and substituting** "a benefit";
- (b) **in subsection (3) by striking out** "financial benefits, death benefit" **and substituting** "benefit".

21 Section 17 is amended

- (a) **by repealing clauses (b.2) to (g) and substituting the following:**
 - (c) respecting payments under section 10;
 - (d) respecting grants for programs under section 10 and the amounts of the grants;
 - (e) respecting applications for grants;

- (f) respecting the conditions on which a grant is made and requiring the repayment of the grant or a part of the grant to the Fund if the conditions are not met;
 - (g) requiring a recipient of a grant to account for how the grant is spent;
 - (g.1) governing the operation of a program or initiative referred to in section 10(c) for the benefit of victims of crime or the promotion of public safety;
- (b) by repealing clauses (h) to (n) and substituting the following:**
- (h) specifying offences under the *Criminal Code* (Canada) for the purposes of section 12;
 - (i) respecting applications for a supplemental benefit under section 12.2, including prescribing the persons who may apply for a supplemental benefit and the evaluation of those applications;
 - (j) respecting the evaluation of applications for financial benefits;
 - (k) describing conduct for which and providing for amounts by which financial benefits are to be reduced for the purposes of section 13(4);
 - (l) respecting the classes of injury, damages and expenses with respect to which financial benefits are payable;
 - (m) prescribing the amounts, including the maximum amount, of financial benefits payable with respect to any class of injury or expense and with respect to any one application;
 - (n) respecting other reasons for which the Director may dismiss an application for financial benefits;
 - (o) specifying offences under the *Criminal Code* (Canada) for the purposes of section 12.1;
 - (p) respecting applications for a death benefit under section 12.1, including prescribing the persons who may apply for a death benefit, the time period within which an application for a death benefit must be made and the evaluation of those applications;

- (q) prescribing the amount of a death benefit and the purposes for which a death benefit may be used;
- (r) respecting terms and conditions to be imposed on the payment of a benefit and how and when the payments of a benefit are to be made;
- (s) respecting a reconsideration referred to in section 20(1);
- (t) respecting reviews by the Review Board.

22 Section 19 is repealed and the following is substituted:

Transitional — payments

19 Any repayment to the Crown made after the coming into force of this Act for compensation paid pursuant to any of the following Acts is to be paid into the General Revenue Fund:

- (a) the former Act;
- (b) the *Victims of Crime Act*, SA 1996 cV-3.3;
- (c) the *Criminal Injuries Compensation Act*, RSA 1970 c75.

23 Section 20 is repealed and the following is substituted:

Transitional — reconsideration applications

20(1) A person entitled to submit a request for reconsideration under the former Act and the regulations under that Act concerning a member of the class described in the Class Action Settlement Agreement may submit the application under this section and the application must be dealt with in accordance with this Act and the regulations under this Act.

(2) If the Court of Queen’s Bench issues an order winding up the proceedings that gave rise to the Class Action Settlement Agreement, this section has no effect.

24 Section 21 is repealed and the following is substituted:

Transitional — reviews

21(1) If a person has applied to the Review Board for a review of a decision of the Director and the review has not been concluded or dismissed before the coming into force of this section, the review must continue to be dealt with in accordance with this Act and the regulations if the benefit was applied for under the former Act or section 20 and concerns a member of the class described in the Class Action Settlement Agreement.

- (2) If the Court of Queen’s Bench issues an order winding up the proceedings that gave rise to the Class Action Settlement Agreement, subsection (1) has no effect.
- (3) Where a person has applied to the Review Board for a review of a decision of the Director, the review has not been dismissed nor a decision rendered under section 14.01 before the coming into force of this section and the benefit under review is not referred to in subsection (1), the review is terminated and the Review Board, chair or member designated by the chair, as the case may be, must refer the review to the Director.
- (4) Where the Director receives a referral under subsection (3), the Director may, as the Director considers appropriate,
- (a) reconsider the matter, or
 - (b) notify the applicant in writing that the applicant may, within 30 days from the date of the notice, apply for judicial review of the decision.

25 The following is added after section 21:

**Transitional — Criminal Injuries Review
Board disestablished**

22(1) The Criminal Injuries Review Board is disestablished.

(2) This section comes into force on Proclamation, which may not be made until the Court of Queen’s Bench has issued an order winding up the proceedings that gave rise to the Class Action Settlement Agreement.

Transitional — future amendments and repeals

23(1) This section amends the *Victims of Crime and Public Safety Act*.

(2) **Section 10(f) is amended by striking out** “sections 13 and 15” **and substituting** “section 15”.

(3) **Section 15.1 is amended by striking out** “section 13, 13.01, 15 or 21(4)(a)” **and substituting** “section 13.01”.

(4) **Section 18 is amended by striking out** “sections 14(7) and 16(2) and (3)” **and substituting** “section 16(2) and (3)”.

(5) **The following provisions are repealed:**

section 1(k.3);
section 3(2)(c);
section 7;

section 7.1;
section 10(e);
section 12;
section 13;
section 14;
section 14.01;
section 17(h) to (n), (s) and (t);
section 20;
section 21.

(6) This section comes into force on Proclamation, which may not be made until the Court of Queen’s Bench has issued an order winding up the proceedings that gave rise to the Class Action Settlement Agreement.

Power to amend regulations

24(1) Where multiple regulations are to be enacted or amended at the same time for the purposes of consistency with or the implementation of this Act, the Lieutenant Governor in Council may enact or amend those regulations notwithstanding that one or more of the regulations was made by a member of the Executive Council.

(2) Nothing in this section authorizes an amendment to a regulation that would not have been authorized by the Act under which the regulation was made.

Related and Consequential Amendments

Amends RSA 2000 cC-23

26(1) The *Conflicts of Interest Act* is amended by this section.

(2) Part 3 of the Schedule is amended by striking out “Criminal Injuries Review Board”.

(3) This section has effect on the coming into force of section 22 of the *Victims of Crime and Public Safety Act*.

Amends RSA 2000 cP-34

27(1) The *Provincial Offences Procedure Act* is amended by this section.

(2) Section 1(m) is amended by striking out “*Victims of Crime Act*” and substituting “*Victims of Crime and Public Safety Act*”.

(3) Section 7(2.1) is repealed and the following is substituted:

(2.1) In proceedings commenced by way of an information or under Part 2, a justice sentencing a defendant convicted of an offence shall consider the ability of the defendant to pay a fine

and, where applicable, the surcharge, and, notwithstanding any provision to the contrary in any other enactment, may refuse to impose a period of imprisonment in default of payment of the fine or the surcharge where imprisonment would not serve the public interest.

(4) Section 14(1) is amended by striking out “*Victims of Crime Act*” and substituting “*Victims of Crime and Public Safety Act*”.

Amends SA 2001 cV-3.5

28(1) The *Victims Restitution and Compensation Payment Act* is amended by this section.

(2) Section 1(1)(d) is repealed and the following is substituted:

(d) “Victims of Crime and Public Safety Fund” means the Victims of Crime and Public Safety Fund under the *Victims of Crime and Public Safety Act*.

(3) Section 45 is repealed and the following is substituted:

Victims of Crime and Public Safety Fund

45 If, in respect of an illegal act, money is paid under this Act to the Crown for the purposes of being used under this Division but, in the opinion of the Minister, it is not possible or reasonably practicable to make a payment or grant under section 44, that money is to be paid by the Crown into the Victims of Crime and Public Safety Fund to be used under the *Victims of Crime and Public Safety Act*.

