

Appendix G: PROVINCIAL COMPENSATION PROGRAMS

SUMMARY CHARTS

Prepared by

**The Federal-Provincial-Territorial Working Group on Victims of Crime
(April 2007)***

* Information current to 2006.

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>Prince Edward Island Legislative Authority: <i>The Victims of Crime Act</i> (1989); amended effective August 7, 1999</p>					
<p>A person injured or killed as a result of a criminal act of another person.</p> <p>A person injured or killed assisting a police officer, trying to arrest someone committing an offence or preventing or attempting to prevent someone from committing an offence.</p> <p>Dependants of homicide victims.</p> <p>Parents of a child who is killed.</p> <p>A person who incurs expenses as a result of the death or injury of a victim.</p> <p>Dependants of a victim.</p>	<p>Wages or salary lost because of injury.</p> <p>Pain and suffering.</p> <p>Reasonable funeral expenses.</p> <p>Maintenance of children born as a result of sexual assault.</p> <p>Counselling costs.</p> <p>Financial loss suffered by dependants as a result of a victim's death.</p> <p>Other financial loss resulting from the victim's injury or death.</p>	<p>Minimum: No minimum Maximum: \$15,000 for one victim; \$30,000 to all applicants in respect of one occurrence.</p>	<p>One year from the time of the offence or when injuries become known (may be extended by the Attorney General upon request).</p>	<p>Victims Services staff investigate claims and write a case analysis. All documentation is forwarded to the Provincial Manager of Victim Services who may retain the file for adjudication or forward to a designated lawyer in the Legal Services Section, Office of the Attorney General. The Provincial Manager or the lawyer makes decisions for small claims (under \$1,000). For other claims the Provincial Manager or the lawyer writes a report with a recommendation to the Attorney General who makes the decision. Appeals may be made to the Supreme Court on a question of law.</p>	<p>Provincial and federal surcharges and general revenue (part of Victim Services budget).</p> <p>During the period April 1, 2006 to March 31, 2007, 34 awards were granted totalling \$105,253.</p>

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Nova Scotia	Legislative Authority: The <i>Victims' Rights and Services Act</i> (1989; amended 1992; amended June 8, 2000 and name changed to Criminal Injuries Counselling				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
An individual injured or family member of a person killed as a result of a personal violence offence, schedule of offences as listed in the <i>Victims' Rights and Services Act</i> .	Counselling to mitigate trauma resulting from the offence.	\$65 per hour up to maximum of \$2,000. Payment is made directly to the approved counsellor.	Within one year from the date of the offence with exceptions for victims of historical sexual abuse who can file at any time, and for children up to the age of majority (age 19).	Victims' Services Head Office, Policing and Victim Services Division, Department of Justice administers program. Staff – Criminal Injuries Counselling Program Manager, Secretary. Decisions made by Director.	Awards are paid for from Consolidated Revenue. Salaries are paid from Victim Assistance Fund (revenue for the Fund is generated through the victim surcharge). For the period April 1, 2005 to March 31, 2006, the program granted 222 awards totalling \$444,000. Award expenditures – from April 1, 2005 to March 31, 2006 were \$203,885.

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

New Brunswick	Legislative Authority: New Brunswick <i>Victims Services Act</i> and Regulation 96-81																												
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards																								
<p>Persons eligible for benefits include:</p> <ul style="list-style-type: none"> • Victim of a criminal offence; • The parent or guardian of a child or physically/mentally challenged individual or the person incurring eligible expenses in respect of a deceased victim of crime. <p>Schedule of offences include the following sections of the Criminal Code of Canada:</p> <p>Section 151 Section 152 Section 153 Section 155 Section 159 Section 160</p>	<p>Compensable expenses include:</p> <ul style="list-style-type: none"> • Funeral • Dental • Direct payment for counselling • Medical • Physiotherapy • Medication • Eye wear • Child care • Relocation • Transportation • Miscellaneous. 	<p>The maximum financial award is \$5,000.00.</p> <p>Interim expenses may be paid prior to the conclusion of the case.</p> <p>Short Term Counselling is paid to a maximum of \$1,000.00.</p> <p>Payment is directly made to registered therapists.</p>	<p>An application must be made within one year of the commission of the offence, or in the case of a sexual offence, within one year of disclosure to the police.</p>	<p>Applications for compensation are investigated at the local level by the Co-ordinators. Co-ordinators make a recommendation to the Regional Director who makes a decision on the quantum. Appeals are made to the Minister in accordance with Regulation 96-81 section 10(1) and 10(2).</p> <p>The Victim Services Program Support Manager, reviews cases and makes recommendations to the Minister related to appeals.</p> <p>Payment is issued centrally.</p>	<p>Funding for the Compensation for Victims of Crime Program is provided by the Victim Services Fund.</p> <p>The maximum award in each category is:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-right: 10px;">Pain and Suffering</td> <td style="text-align: right;">\$1,000.00</td> </tr> <tr> <td>Funeral expenses</td> <td style="text-align: right;">\$4,000.00</td> </tr> <tr> <td>Dental</td> <td style="text-align: right;">\$1,000.00</td> </tr> <tr> <td>Counselling</td> <td style="text-align: right;">\$1,000.00</td> </tr> <tr> <td>Medical</td> <td style="text-align: right;">\$ 800.00</td> </tr> <tr> <td>Physiotherapy</td> <td style="text-align: right;">\$ 600.00</td> </tr> <tr> <td>Medication</td> <td style="text-align: right;">\$ 200.00</td> </tr> <tr> <td>Eye wear</td> <td style="text-align: right;">\$ 200.00</td> </tr> <tr> <td>Child care</td> <td style="text-align: right;">\$ 200.00</td> </tr> <tr> <td>Relocation</td> <td style="text-align: right;">\$ 600.00</td> </tr> <tr> <td>Transportation</td> <td style="text-align: right;">\$ 200.00</td> </tr> <tr> <td>Miscellaneous</td> <td style="text-align: right;">\$ 200.00</td> </tr> </table> <p>A total award cannot exceed \$5,000.00. This would include financial remuneration and up to 10 sessions of counselling to a maximum of \$1,000.00.</p> <p>A total of \$277,613 was paid out in Compensation Awards in 2006/2007. In addition, \$51,504 was paid out for Short Term Counselling under Compensation for Victims of Crime.</p>	Pain and Suffering	\$1,000.00	Funeral expenses	\$4,000.00	Dental	\$1,000.00	Counselling	\$1,000.00	Medical	\$ 800.00	Physiotherapy	\$ 600.00	Medication	\$ 200.00	Eye wear	\$ 200.00	Child care	\$ 200.00	Relocation	\$ 600.00	Transportation	\$ 200.00	Miscellaneous	\$ 200.00
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SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS (Cont'd)

<p>New Brunswick</p>	<p>Legislative Authority: New Brunswick <i>Victim Services Act</i> and Regulation 96-81</p>				
<p>Persons Eligible for Benefits</p>	<p>Compensable Expenses</p>	<p>Minimum and Maximum Award</p>	<p>Time Limit</p>	<p>Program Administration</p>	<p>Funding Source and Awards</p>
<p>Schedule of offences under the Criminal Code of Canada continued:</p> <p>Section 170 Section 231 Section 232 Section 239 Section 262 Section 266 Section 267 Section 268 Section 271 Section 272 Section 273 Section 279 Section 280 Section 281 Section 282 Section 343</p>					

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Quebec	Legislative Authority: <i>The Crime Victims Compensation Act (1972)</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>Victims of violent crimes under the <i>Criminal Code</i>. Exceptions include threats of death or serious injury and criminal harassment.</p> <p>Dependants of homicide victims</p> <p>A person injured or killed while attempting to arrest an offender, assisting a peace officer or preventing or attempting to prevent a crime.</p> <p>Parents of a minor who is a victim of a homicide.</p>	<p>Medical, Pharmaceutical and Dental expenses:</p> <ul style="list-style-type: none"> • Permanent disability • Funeral expenses • Travel expenses • Mental Health/counselling expenses • Temporary disability • Special allowance/death benefit to spouse, dependants, parents • Benefits for spouse and dependants in the form of an allowance on victim's death. 	<p>Minimum: No minimum Maximum: No maximum</p>	<p>One year; may be extended in exceptional circumstances.</p>	<p>Commission de la santé et la sécurité du travail.</p>	<p>Consolidated Revenue</p> <p>Between January 1, 2003, and December 31, 2003, 3,062 applications were accepted, and \$58,469,546.32 in indemnities were paid out.</p> <p>Between January 1, 2004, and December 31, 2004, 3,229 applications were accepted and \$61,527,478.37 in indemnities were paid out.</p>

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Ontario	Legislative Authority: <i>Compensation for Victims of Crime Act R.S.O. 1990, c.C. 24</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person injured or killed as a result of a crime of violence in Ontario.</p> <p>A person injured or killed while lawfully arresting or attempting to arrest an offender, assisting a peace officer or preventing or attempting to prevent a crime.</p> <p>A person who is responsible for the support of the victim.</p> <p>Where the death of the victim has resulted, the victim's dependants.</p>	<ul style="list-style-type: none"> • Expenses, incl. medical, dental and counselling expenses • Wage loss. • Financial loss incurred by dependants as a result of the victim's death. • Pain and suffering. • Support of a child born as a result of rape. • Other financial loss or expense that in the opinion of the Board it is reasonable to incur. 	<p>Minimum: No minimum</p> <p><u>Lump sum awards:</u> Maximum lump sum award to one victim: \$25,000 per incident.</p> <p>Total maximum lump sum award to all victims of one incident of \$150,000.</p> <p><u>Periodic awards:</u> \$1,000 per month to a maximum of \$365,000 for all claimants as a result of one occurrence.</p> <p>Where both lump sum and periodic payments are ordered, the lump sum cannot exceed \$12,500.</p>	<p>Two years.</p> <p>Board has discretion to extend</p>	<p>Criminal Injuries Compensation Board.</p>	<p>The awards are funded through Consolidated Revenue Fund with a small portion \$1.6 million that comes from the Victim's Justice Fund. The Operating Expenses funding including Salaries and Wages and Benefits comes from the Consolidated Revenue Fund.</p> <p>2006-07 Hearings held: 2425 Total amount paid out on an accrual basis is \$22,322,615. This includes periodic and lump sum payments.</p>

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Manitoba	Legislative Authority: <i>The Victims' Bill of Rights (2001)</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person who is killed or injured as the direct result of a criminal act of another person.</p> <p>A person injured while helping a peace officer.</p> <p>Dependants of a victim who is injured or killed as a result of a crime.</p> <p>Immediate family members (spouse, child, parent or sibling) of a homicide victim are eligible for grief counselling, bereavement leave, travel expenses to attend funeral, etc.</p>	<p>Medical and Dental expenses prescription drugs, ambulance costs</p> <p>Impairment awards for permanent injuries, paid in accordance with WC benefits to a maximum of \$85,000 for a 100% impairment.</p> <p>Replacement of damaged clothing.</p> <p>Replacement or repair of eyeglasses, hearing aids or other disability aids.</p> <p>Psychological counselling (\$2,000 per claim) however an additional \$2,000 can be approved in exceptional circumstances.</p> <p>Vocational rehabilitation expenses. Travel costs.</p> <p>Wage loss to a maximum of \$413.00 per week.</p> <p>Physiotherapy and chiropractic treatment not covered by Provincial Medicare plan</p> <p>Funeral expenses up to \$5,400</p> <p>Dependants benefits at \$270 per month child to a maximum of \$1,080 per month</p>	<p>Minimum: over \$150 Maximum: \$100,000 (excluding impairment award)</p>	<p>One year; May be extended in exceptional circumstances.</p>	<p>The program is administered by the Department of Justice Compensation for Victims of Crime Program.</p>	<p>General revenue</p> <p>The program has 4 staff</p> <p>The program paid out \$3,035,011 in awards during the 2006/2007 fiscal year.</p>

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Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
Saskatchewan		Legislative Authority: <i>The Victims of Crime Act 1995</i> (amended 2006)			
<p>A victim of a criminal act of personal violence.</p> <p>A victim who was injured or killed as a result of assisting a peace officer.</p> <p>Dependants of victims in some circumstances.</p> <p>Immediate family members (secondary victims) of homicide victims are eligible to apply for counselling.</p>	<p>Medical and dental expenses including ambulance, prescriptions, optometric, chiropractic, home care, etc.</p> <p>Wages or salary lost because of injury, including potential loss of earnings (reimbursement at net).</p> <p>In the case of a homicide: funeral expenses to a maximum of \$3,500; cleaning of crime scene if occurred in a residence.</p> <p>Counselling up to \$1,000 during the criminal justice process: may be extended to \$2,000 in exceptional circumstances; “counselling” includes “traditional Aboriginal healing methods”.</p> <p>Clothing to a maximum of \$250.</p>	<p>Minimum: No minimum.</p> <p>Maximum: \$25,000 per applicant.</p>	<p>Application deadline is two years after the date of the offence.</p> <p>Minister has the authority to extend the application deadline beyond two years where it is reasonable to do so.</p> <p>For sexual assault victims, the application period begins to run on the date the crime is reported to police.</p>	<p>Administered by Victims Services Branch.</p> <p>Appeals are first considered by Victims Services Branch; Saskatchewan Justice and finally by the Victims Compensation Appeal Committee.</p>	<p>The Compensation Program is solely funded by fine surcharge revenue.</p> <p>The Compensation Program received 418 applications and paid out \$397,108 in awards to 380 victims of criminal acts of personal violence in 2006-2007.</p>

*Amendments to the *Victims of Crime Act and Regulations* will be proclaimed in the fall of 2006.

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

Alberta	Legislative Authority: <i>Victims of Crime Act (1997); Victims of Crime Regulation 2004; Victims of Crime Amendment Act (2001); Victims of Crime Amendment Act (2005)</i>				
Persons Eligible for Benefits	Compensable Expenses	Minimum and Maximum Award	Time Limit	Program Administration	Funding Source and Awards
<p>A person who has suffered direct physical or emotional injury as a result of a violent crime. (Secondary victims or witnesses are not eligible.)</p> <p>The survivors of anyone killed as a result of a violent crime.</p> <p>Eligible Criminal Code offences are listed in regulation.</p>	<p>The amount of the financial benefit paid to an individual is based on the sustained. Injury and award values are defined in regulation. The death benefit is \$12,500 and may be paid to one survivor or divided among eligible survivors.</p> <p>The program also administers cases inherited from the former Crimes Compensation Board.</p>	<p>Awards range from \$500 for relatively minor injuries (e.g. sprains, fractured toe, concussion) to \$110,000 (severe neurological injury).</p> <p>Maximum award is \$110,000, maximum number of injuries per award is three.</p>	<p>Two years from the date of incident; May be extended at the discretion of the Director (generally on issues of incapacity).</p>	<p>Administered by the Director as designated under the Victims of Crime Act. The Director may further delegate authority to his employees. Decisions are made by program staff with delegated authority.</p> <p>An applicant may request the Criminal Injuries Review Board to review Director's decision.</p> <p>An applicant may appeal a Board decision to the Court of Appeal on questions of jurisdiction or law. The Minister may challenge, by judicial review, the Board's decision to overturn the Director's decision to dismiss an application or deny benefits.</p>	<p>Federal and provincial surcharges.</p> <p>Awards, including cases inherited from the former Crimes Compensation Board:</p> <p>1998/99 – 752 awards/recipients - \$6,958,014</p> <p>1999/00 – 712 awards/recipients - \$6,978,912</p> <p>2000/01 – 1038 awards/recipients \$7,091,892</p> <p>2001/02 – 900 awards/recipients - \$10,059,474</p> <p>2002/03 – 1222 awards/recipients \$6,544,000.</p> <p>2003/04 – 1079 awards/recipients \$8,620,000</p> <p>2004/05 – 1150 awards/recipients \$8,376,000.</p> <p>2005/06 – 1489 awards/recipients \$8,610,396</p> <p>2006/07 – 1138 awards/recipients \$10,582,914</p>

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS

<p>British Columbia</p>	<p>Legislative Authority: Crime Victim Assistance Act; Crime Victim Assistance (General) Regulation (B.C. Reg. 161/2002); and Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation (B.C. Reg. 162/2002)</p>				
<p>Persons Eligible for Benefits</p>	<p>Compensable Expenses</p>	<p>Minimum and Maximum Award</p>	<p>Time Limit</p>	<p>Program Administration</p>	<p>Funding Source and Awards</p>
<p>Victims, Immediate Family Members of injured or deceased victims and certain Witnesses of a prescribed offence:</p> <p>Victim: a person who is injured physically or psychologically as a result of a prescribed offence committed in British Columbia or a person who is injured attempting to arrest or assist a peace officer in arresting an offender.</p> <p>Immediate family member: A person who at the time of the crime that resulted in the death or injury of a victim was a spouse, child, sibling, step-sibling, half-sibling or parent of the victim and suffered economic loss or psychological harm. Includes a person who was standing in the place of a parent or a child to the victim.</p>	<p>Victim Benefits:</p> <ul style="list-style-type: none"> • Medical or dental services/expenses; • Prescription drug expenses; • Disability aids; • Counselling services/expenses; • Vocational services/expenses; • Protective measures services/expenses; • Repair/replacement of damaged or destroyed personal property; • Vehicle modification or acquisition; • Home modification, maintenance or moving expenses; • Homemaker, childcare or personal care services/ expenses; • Maintenance for a child born as a result of a prescribed offence; • Income support; • Lost earning capacity; • Transportation and related expenses; and • Crime scene cleaning. 	<ul style="list-style-type: none"> • No minimum award. • No global cap on benefits awarded per claimant. <p>Some benefits have maximum award levels and conditions as set out in the Crime Victim Assistance (General) Regulation (B.C. Reg. 161/2002) and the Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation (B.C. Reg. 162/2002)</p>	<ul style="list-style-type: none"> • One year. May be extended at the discretion of the director in exceptional circumstances and as follows: • One year after a minor turns 19 years old if the offence occurred while the claimant was a minor. • No time limit with respect to claims involving sexual offences. 	<p>Administered by Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General.</p> <p>Following an original adjudication, further review is available through reassessments or reconsideration. The claimant can request a reassessment if the claimant's circumstances change or new information becomes available after the original decision.</p> <p>The director or delegate can initiate a reassessment at any time.</p> <p>The claimant can request a reconsideration where they believe there has been an error in law, fact or mixed law and fact. A reconsideration is final and conclusive and subject only to judicial review on a question of law or excess of jurisdiction.</p>	<p>Funded through Ministry Budget.</p> <p>In 2006/07, expenditures for benefits and services to victims, immediate family members, and eligible witnesses: \$12 M</p> <p>In 2006/07 2819 original applications were adjudicated with 2107 being accepted.</p> <p>As additional 958 decisions were made on reassessment providing further benefits on 845 claims.</p>

SUMMARY OF PROVINCIAL COMPENSATION PROGRAMS (Cont'd)

<p>British Columbia</p>	<p>Legislative Authority: Crime Victim Assistance Act; Crime Victim Assistance (General) Regulation (B.C. Reg. 161/2002); and Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation (B.C. Reg. 162/2002)</p>				
<p>Persons Eligible for Benefits</p>	<p>Compensable Expenses</p>	<p>Minimum and Maximum Award</p>	<p>Time Limit</p>	<p>Program Administration</p>	<p>Funding Source and Awards</p>
<p>Witness: A person, who may not necessarily be related to the victim, but: has a strong emotional attachment to the victim and witnesses the death or life-threatening injury of the victim or comes upon the immediate aftermath of the death of the victim and suffers diagnosed psychological harm as a result.</p>	<p><u>Immediate Family Member benefits:</u></p> <ul style="list-style-type: none"> • Counselling services or expenses; • Prescription drug expenses; • Vocational services/expenses; • Funeral expenses; • Income support; • Transportation and related expenses; • Loss or parental guidance for a minor child; • Earnings loss due to bereavement leave; and • Crime scene cleaning. <p><u>Witness Benefits:</u></p> <ul style="list-style-type: none"> • Counselling services/expenses; • Prescription drug expenses; • Transportation and related expenses necessary to attend counselling; and • Crime scene cleaning. 				