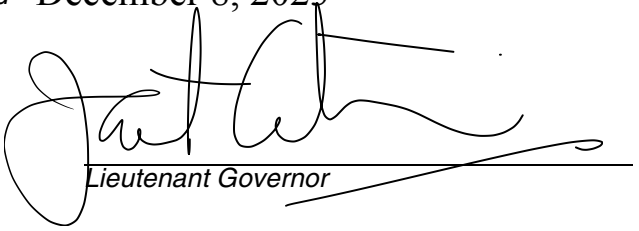


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 683

, Approved and Ordered December 8, 2023



Lieutenant Governor


Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2024,

- (a) the *Crime Victim Assistance Amendment Act, 2023*, S.B.C. 2023, c. 36, is brought into force, and
- (b) the Crime Victim Assistance (General) Regulation, B.C. Reg. 161/2002, is amended as set out in the attached Schedule.



Minister of Public Safety and Solicitor General and Deputy Premier



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Crime Victim Assistance Act*, S.B.C. 2001, c. 38, s. 26 (1), (2) and (3)

Other: O.C. 519/2002

R30724924

SCHEDULE

1 Section 2 of the Crime Victim Assistance (General) Regulation, B.C. Reg. 161/2002, is amended

(a) by repealing paragraph (g) and substituting the following:

(g) a person who is authorized under the *Health Professions Act* to practise any of the following designated health professions:

- (i) acupuncture;
- (ii) audiology;
- (iii) chiropractic;
- (iv) dental hygiene;
- (v) dentistry;
- (vi) dental technology;
- (vii) denturism;
- (viii) dietetics;
- (ix) hearing instrument dispensing;
- (x) massage therapy;
- (xi) midwifery;
- (xii) naturopathic medicine;
- (xiii) nursing;
- (xiv) occupational therapy;
- (xv) opticianry;
- (xvi) optometry;
- (xvii) pharmacy;
- (xviii) physical therapy;
- (ixx) podiatric medicine;
- (xx) practical nursing;
- (xxi) psychiatric nursing;
- (xxii) psychology;
- (xxiii) speech-language pathology;
- (xxiv) traditional Chinese medicine; , ***and***

(b) by adding the following paragraph:

(h) a person who is authorized under the *Social Workers Act* to practise social work.

2 *The following section is added:*

Maximum period for reimbursement of expenses incurred before director's decision

- 6.1** The maximum period prescribed for the purposes of section 4 (4) (b) of the Act is the following:
- (a) for expenses incurred by a victim, immediate family member or witness as a result of an eligible offence that occurred before the date this section comes into force, 1 year from the date the director receives the application for benefits;
 - (b) for expenses incurred by a victim, immediate family member or witness as a result of an eligible offence that occurred on or after the date this section comes into force, 2 years from the date the director receives the application for benefits.

3 *Section 7 is amended*

- (a) *in subsection (1) by striking out “category of benefits” and substituting “category of benefit”,*
- (b) *in subsection (2) by string out “the cost of the providing” and substituting “the cost of providing”, and*
- (c) *in subsection (3) (c) by striking out “that program” and substituting “that plan”.*

4 *Sections 8 (1), 10 (1), 13 (1) and 16 (2) are amended by striking out “category of benefits” and substituting “category of benefit”.*

5 *Section 11 is amended*

- (a) *in subsection (1) by striking out “category of benefits” and substituting “category of benefit”,*
- (b) *in subsections (1) and (6) by striking out “his or her” and substituting “the victim’s”, and*
- (c) *in subsection (4) by striking out “he or she” and substituting “the victim”.*

6 *Section 12 is amended*

- (a) *in subsection (1) by striking out “category of benefits” and substituting “category of benefit”,*
- (b) *in subsection (1) (c) (ii) by striking out “his or her” in both places and substituting “the victim’s”,*
- (c) *by repealing subsection (2) (b) (ii) and substituting the following:*
 - (ii) the benefit is needed for the victim’s recovery from the psychological injury that resulted from the eligible offence, and ,

(d) by repealing subsection (3) (c) (ii) and substituting the following:

(ii) the benefit is needed for the victim's recovery from the psychological injury that resulted from the eligible offence, and , **and**

(e) in subsection (4) (a) by striking out “, up to a maximum period of 3 months”.

7 Section 14 is amended

(a) in subsection (1) by striking out “category of benefits” and substituting “category of benefit”, and

(b) in subsections (2) (b), (3) (b) and (4) (b) by striking out “his or her” and substituting “the victim's”.

8 Section 15 is amended

(a) in subsection (1) by striking out “category of benefits” and substituting “category of benefit”,

(b) by repealing subsection (3) and substituting the following:

(3) Subject to subsection (4), a victim may not be awarded a benefit referred to in subsection (1) more than once every 15 years. , **and**

(c) by adding the following subsection:

(4) The director may award a benefit referred to in subsection (1) more than once every 15 years if satisfied that doing so is economically reasonable.

9 Sections 16 (8) (c), 27 (1) (b) and 28 (1) (b) are amended by striking out “his or her” and substituting “the victim's”.

10 Section 19 is amended

(a) in subsection (1) (c) by striking out “the expense is” and substituting “the expenses are”, and

(b) in subsection (2) by striking out “\$2 500” and substituting “\$4 000”.

11 Section 20 (1) is amended by striking out “category of benefits” and substituting “category of benefit” and by striking out “his or her” and substituting “the immediate family member's”.

12 Section 22 (2) is amended by striking out “\$5 000” and substituting “\$8 000”.

13 Section 23 (7) (c) is amended by striking out “for the victim” and substituting “for the immediate family member”.

14 Section 24 (1) (b) is amended by striking out “his or her” and substituting “the immediate family member's”.

15 *Section 25 (1) (a) is amended by striking out “within 2 weeks” and substituting “within 2 years”.*

16 *Section 26 is repealed and the following substituted:*

Crime scene cleaning expenses

26 (1) The director may award an immediate family member of a victim the benefit of crime scene cleaning expenses only if

(a) the victim’s death or injury resulted from an eligible offence, and

(b) the director is satisfied that

(i) either of the following applies:

(A) in the event of the victim’s death, the eligible offence occurred at the residence of the victim or the immediate family member or in a motor vehicle owned or leased by the victim or the immediate family member;

(B) in the event of the victim’s injury, the eligible offence occurred at the residence of the immediate family member or in a motor vehicle owned or leased by the immediate family member,

(ii) exceptional and specialized cleaning is required, and

(iii) the expenses are reasonable and necessary.

(2) The maximum that the director may award under subsection (1) is \$4 000.

17 *Section 29 (1) is amended by striking out “category of benefits” and substituting “category of benefit” and by striking out “his or her” and substituting “the witness’s”.*

18 *Section 32 is amended*

(a) *in subsection (1) (a) by adding “or injury” after “the victim’s death”,*

(b) *in subsection (1) (b) (iii) by striking out “the expense is” and substituting “the expenses are”, and*

(c) *in subsection (2) by striking out “\$2 500” and substituting “\$4 000”.*

19 *Section 34 (4) (a) and (5) is amended by striking out “he or she” and substituting “the applicant”.*

20 *Section 36 is amended*

(a) *in subsections (1) and (3) by striking out “he or she” and substituting “the former applicant”, and*

(b) *in subsection (1) (e) by striking out “his or her” and substituting “the former applicant’s”.*

21 *The following Part is added:*

PART 6 – TRANSITIONAL PROVISIONS

Transitional – crime scene cleaning expenses

- 37** Sections 19, 26 and 32, as they read immediately before the coming into force of this section, continue to apply to benefits awarded in relation to eligible offences that occurred before the date this section comes into force.

Transitional – funeral expenses

- 38** Section 22 (2), as it read immediately before the coming into force of this section, continues to apply to benefits awarded in relation to eligible offences that occurred before the date this section comes into force.

Transitional – bereavement leave

- 39** Section 25 (1) (a), as it read immediately before the coming into force of this section, continues to apply to benefits awarded in relation to eligible offences that occurred before the date this section comes into force.

Transitional – prescribed offences

- 40** Schedule 1, as it read immediately before the coming into force of this section, continues to apply for the purposes of an application under section 3 (1) of the Act related to an offence under the *Criminal Code* that occurred before the date this section comes into force.

Transitional – Type 1 counselling

- 41** Item 1 in Schedule 2, as it read immediately before the coming into force of this section, continues to apply for 6 months after the date this section comes into force if
- (a) the person to whom a benefit in the category of benefit described as counselling benefits or expenses is awarded was, before the date this section comes into force, attending counselling of the type described in Column 1 of item 1, and
 - (b) the same counsellor continues, after the date this section comes into force, to provide to the person the type of counselling described in paragraph (a).

Transitional – counselling rates

- 42** The amounts set out in Column 2 of Schedule 2, as it read immediately before the coming into force of this section, continue to apply in relation to counselling that occurred before the date this section comes into force.

22 *Schedule 1 is repealed and the following substituted:*

Schedule 1
Prescribed Offences

Item	Column 1 Section of <i>Criminal Code</i>	Column 2 Description of Offence
1	64	Riots
2	72	Forcible entry
3	76	Hijacking
4	77	Endangering safety of aircraft or airport
5	78	Offensive weapons and explosive substances
6	80	Breach of duty (duty of care of explosives)
7	81	Using explosives
8	85	Using firearm in commission of offence
9	86	Careless use of a firearm
10	87	Pointing a firearm
11	151	Sexual interference
12	152	Invitation to sexual touching
13	153	Sexual exploitation
14	153.1	Sexual exploitation of person with disability
15	155	Incest
16	160 (2) and (3)	Compelling the commission of bestiality; Bestiality in presence of or by child
17	162	Voyeurism
18	162.1	Publication, etc., of an intimate image without consent
19	163.1	Child pornography
20	170	Parent or guardian procuring sexual activity
21	171.1	Making sexually explicit material available to child
22	172.1	Luring a child
23	172.2	Agreement or arrangement – sexual offence against a child
24	173	Indecent acts (only if done for a sexual purpose); Exposure
25	180	Common nuisance
26	215	Failure to provide necessities
27	218	Abandoning child
28	220	Causing death by criminal negligence

Item	Column 1 Section of <i>Criminal Code</i>	Column 2 Description of Offence
29	221	Causing bodily harm by criminal negligence
30	229	Murder
31	236	Manslaughter
32	237	Infanticide
33	238	Killing unborn child in act of birth
34	239	Attempt to commit murder
35	241	Counselling or aiding suicide
36	244 and 244.1	Causing bodily harm with intent
37	245	Administering noxious thing
38	246	Overcoming resistance to commission of offence
39	247	Traps likely to cause bodily harm or death
40	248	Interfering with transportation facilities
41	262	Impeding attempt to save life
42	263	Failure to safeguard opening in ice/excavation on land
43	264	Criminal harassment (stalking)
44	264.1	Uttering threats
45	266	Assault
46	267	Assault with a weapon or causing bodily harm
47	268	Aggravated assault
48	269	Unlawfully causing bodily harm
49	269.1	Torture
50	270	Assaulting a Peace Officer
51	271	Sexual assault
52	272	Sexual assault with a weapon, threats to a third party or causing bodily harm
53	273	Aggravated sexual assault
54	273.3	Removal of child from Canada
55	279	Kidnapping, forcible confinement
56	279.01	Trafficking in persons
57	279.011	Trafficking of a person under the age of eighteen years
58	279.1	Hostage taking
59	280	Abduction of person under 16
60	281	Abduction of person under 14

Item	Column 1 Section of <i>Criminal Code</i>	Column 2 Description of Offence
61	282	Abduction in contravention of custody or parenting order
62	283	Abduction
63	286.3	Procuring
64	320.102	Conversion therapy
65	320.13	Dangerous operation (of a conveyance other than a motor vehicle)
66	320.14	Operation (of a conveyance other than a motor vehicle) while impaired
67	344	Robbery
68	346	Extortion
69	423	Intimidation
70	430 (2)	Mischief causing actual danger to life
71	433	Arson
72	436	Arson by negligence
73	437	False alarm of fire
74	465	Conspiracy to commit murder

23 *Schedule 2 is amended*

(a) by repealing items 1 and 6, and

(b) by repealing items 2, 3, 4 and 5 and substituting the following:

	Column 1 Type of Counselling	Column 2 Maximum Hourly Rate
2	<p>Individual counselling session provided by a counsellor who is not described in item 3, 4 or 5 of this Schedule and who has the following education, experience and professional affiliation:</p> <p>(a) Education: an undergraduate degree in psychology or in a field related to counselling psychology or counselling therapy, or a 2 year diploma in counselling;</p> <p>(b) Experience: a minimum of 200 hours of supervised clinical experience;</p> <p>(c) Professional Affiliation:</p> <p style="padding-left: 20px;">(i) membership in good standing of, or designation or certification by, a professional association whose members provide counselling services, or</p> <p style="padding-left: 20px;">(ii) for a person providing counselling in a jurisdiction in which counselling psychology or counselling therapy is a regulated profession, authorization to practise the profession by the regulatory body that governs the practice of that profession.</p> <p>In paragraph (b) of this item, “supervised clinical experience” includes any time spent in a supervised clinical placement approved by a college or university.</p>	\$85

	Column 1 Type of Counselling	Column 2 Maximum Hourly Rate
3	<p>Individual counselling session provided by a counsellor who is not described in item 4 or 5 of this Schedule and who has the following education, experience and professional affiliation:</p> <p>(a) Education: a master’s degree or doctorate in counselling psychology or counselling therapy, psychotherapy, psychology or in a field related to counselling psychology or counselling therapy;</p> <p>(b) Experience: for a person with a professional affiliation described in paragraph (c) (i) (C) of this item, a minimum of 400 hours of supervised clinical experience;</p> <p>(c) Professional Affiliation:</p> <p>(i) one of the following:</p> <p>(A) membership in good standing of, and registration as a Registered Clinical Counsellor by, the British Columbia Association of Clinical Counsellors;</p> <p>(B) membership in good standing of, and certification as a Canadian Certified Counsellor by, the Canadian Counselling and Psychotherapy Association;</p> <p>(C) membership in good standing of, or designation or certification by, another professional association whose members provide counselling services, or</p> <p>(ii) for a person providing counselling in a jurisdiction in which counselling psychology or counselling therapy is a regulated profession, authorization to practise the profession by the regulatory body that governs the practice of that profession.</p> <p>In paragraph (b) of this item, “supervised clinical experience” includes any time spent in a supervised clinical placement approved by a college or university.</p>	\$135
4	<p>Individual counselling session provided by a counsellor who is not described in item 5 of this Schedule and who</p> <p>(a) meets either of the following descriptions:</p> <p>(i) in British Columbia, is a registrant, as defined in section 1 of the <i>Social Workers Act</i>, in good standing;</p> <p>(ii) in another jurisdiction, is authorized to practise the profession of social work by the regulatory body that governs that profession, and</p> <p>(b) has a minimum of 400 hours of supervised clinical experience, including in the provision of counselling services.</p> <p>In paragraph (b) of this item, “supervised clinical experience” does not include any time spent in a supervised clinical placement approved by a college or university.</p>	\$135

	Column 1 Type of Counselling	Column 2 Maximum Hourly Rate
5	Individual counselling session provided by a counsellor who is (a) authorized under the <i>Health Professions Act</i> to practise the designated health profession of psychology, or (b) authorized to practise the profession of psychology by the body that regulates that profession in another jurisdiction.	\$205