

1975 Bill 46
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 46

THE CRIMINAL INJURIES COMPENSATION
AMENDMENT ACT, 1975

MR. LITTLE

First Reading

Second Reading

Third Reading

Bill 46
Mr. Little

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(Second Session)

THE CRIMINAL INJURIES COMPENSATION AMENDMENT ACT, 1975

(Assented to _____, 1975)

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

1. *The Criminal Injuries Compensation Act is hereby amended.*

2. *Section 7 is amended*

(a) *as to subsection (1) by striking out clause (d) and by substituting therefor the following clause:*

(d) to any person, in respect of

(i) expenses incurred by that person as the result of the death of the victim, or

(ii) pecuniary loss suffered by or expenses incurred by that person as the result of an injury to the victim where the maintenance of the victim is the responsibility of that person, or

(b) *by adding after subsection (1) the following subsection:*

(1.1) This section does not apply in respect of injury to or death of a peace officer occurring under circumstances entitling that person or his dependants to compensation payable out of public moneys under any other Act of the Legislature of Alberta or of the Parliament of Canada or payable by an organization that is supported in whole or in part by public funds.

and

(c) *by striking out subsection (3).*

3. *Section 15 is amended*

(a) *by striking out the word "Workmen's" and by substituting therefor the word "Workers'", and*

(b) *by striking out subsection (2).*

4. *Schedule 1 is struck out and the following Schedule is substituted therefor:*

Explanatory Notes

1. This Bill will amend chapter 75 of the Revised Statutes of Alberta 1970.

2. The proposed subsection (1.1) is similar to the provision in the uniform Act adopted by the Uniform Law Conference of Canada. Section 7(1) and (3) read:

- 7.** (1) Where a person is injured or killed and the injury or death
- (a) is the direct result of an act or omission of another person that occurred in Alberta and is within the description of any of the criminal offences set out in Schedule 1, or
 - (b) directly resulted to the person while he was endeavouring to
 - (i) arrest any person or preserve the peace, or
 - (ii) assist a peace officer in carrying out his duties with respect to law enforcement
- in Alberta,

the Board may upon receipt of an application in writing, make an order in accordance with this Act for the payment of compensation

- (c) to or for the benefit of the injured person, or
- (d) to a person, in respect of pecuniary loss suffered or expenses incurred by the person, as the result of an injury to a victim where the maintenance of the victim is the responsibility of the person, or
- (e) to any one or more of the dependants of a victim.

(3) Where the person injured or killed is not a resident of Alberta, the Board shall not make an order for the payment of compensation

- (a) unless the injury or death occurred in the circumstances mentioned in subsection (1), clause (b), or
- (b) unless, in other cases, the jurisdiction in which the person injured or killed resides would pay compensation in respect of a resident of Alberta injured or killed therein in similar circumstances.

3. Section 15 (2) reads as follows:

(2) Notwithstanding subsection (1), an amount received or to be received under a pension plan or program provided under an Act of Canada or of Alberta or of any other province or territory of Canada shall not be taken into consideration by the Board in determining the amount of compensation to be awarded.

4. This amendment will update the reference numbers and will add additional offences in relation to which compensation may be claimed.

SCHEDULE 1

<i>Section of Criminal Code</i>	<i>Description of Offence</i>
66	taking part in a riot
76.1	hijacking of aircraft
76.2	endangering safety of aircraft in flight
76.3	taking on board a civilian aircraft offensive weapons and explosive substances
78	failure to take reasonable care in respect of explosives where death or bodily harm results
79	intentionally causing death or bodily harm by explosive substance
86	dangerous use of firearm
144	rape
145	attempted rape
146	sexual intercourse with female under 14 or under 16 years of age
149	indecent assault on female
156	indecent assault on male
176	common nuisance causing harm
197	failure to provide necessaries
200	abandoning child
201(a)	causing bodily harm to apprentice or servant
203	causing death by criminal negligence
204	causing bodily harm by criminal negligence
218	murder
219	manslaughter
222	attempted murder
228	causing bodily harm with intent
229	administering poison
230	overcoming resistance to commission of offence
231	setting traps likely to cause death or bodily harm
232	interfering with transportation facilities
240(1)	dangerous operation of vessel or towed object
240(4)	impaired operation of vessel
241	impeding attempt to save life
245(1)	common assault
245(2)	assault causing bodily harm
246(1)	assault with intent to commit indictable offence
246(2)	assault interfering with lawful process
247(1)	kidnapping
247(2)	illegal confinement
303	robbery
381	intimidation by violence
387(2)	mischief causing actual danger to life
389	arson
392	causing fire resulting in loss of life
393	false fire alarm

5. This Act comes into force on the day upon which it is assented to.