

2010 Bill 10

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Third Session, 27th Legislature, 59 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 10**

## **VICTIMS RESTITUTION AND COMPENSATION PAYMENT AMENDMENT ACT, 2010**

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THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 10

2010

### VICTIMS RESTITUTION AND COMPENSATION PAYMENT AMENDMENT ACT, 2010

(Assented to \_\_\_\_\_, 2010)

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

#### **Amends SA 2001 cV-3.5**

**1 The *Victims Restitution and Compensation Payment Act* is amended by this Act.**

#### **2 Section 1 is amended**

**(a) in subsection (1) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):**

(a) “investigator” means a person designated as an investigator or a member of a class of persons designated as investigators by the regulations;

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

**(3)** A reference in this Act to property acquired by illegal means is a reference to any of the following:

(a) property that has been acquired or derived directly or indirectly through an illegal act;

(b) the amount of an increase in value of property that resulted directly or indirectly from an illegal act;

## Explanatory Notes

**1** Amends chapter V-3.5 of the Statutes of Alberta, 2001.

**2** Section 1 presently reads in part:

*(3) A reference in this Act to property acquired by illegal means is a reference to property that has been acquired or derived directly or indirectly through an illegal act.*

- (c) the amount of a decrease in a debt obligation secured against property that resulted directly or indirectly from an illegal act.

### **3 Section 3 is amended**

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

#### **Legal action**

**3(1)** Subject to subsection (2), the Minister may, with respect to property that is alleged to have been acquired by illegal means, commence an action under this Part by an originating notice for any one or more of the following purposes:

- (a) to obtain restitution or compensation for property victims and other persons, including the Crown and prescribed public bodies;
  - (b) to remove financial incentives to commit illegal acts, including disgorging financial gains from illegal acts;
  - (c) to prevent property that has been acquired by illegal means from being used to carry out future illegal acts;
  - (d) other purposes provided for in the regulations.
- (b) in subsection (2) by adding “or investigator” after “peace officer” wherever it occurs.**

### **4 Section 6 is amended**

- (a) by repealing subsection (3)(a) and substituting the following:**

- (a) subject to subsection (4), 10 days after the day on which the direction is given, or

- (b) by repealing subsection (4) and substituting the following:**

**(4)** If the day on which a direction would expire under subsection (3)(a) is a day on which the Court does not sit, the

**3** Section 3 presently reads in part:

*3(1) Subject to subsection (2), the Minister may, with respect to property that is alleged to have been acquired by illegal means, commence an action under this Part by an originating notice for the purposes of obtaining restitution or compensation for property victims and other respondents.*

*(2) The Minister may not commence an action under this Part unless*

- (a) a peace officer has carried out an investigation in respect of an illegal act, and*
- (b) as a result of the investigation referred to in clause (a) a peace officer
  - (i) has reasonable grounds to believe that an illegal act has been committed, and*
  - (ii) reasonably believes that property has been acquired as a result of that illegal act.**

**4** Section 6 presently reads in part:

*(3) Unless sooner revoked by a peace officer, a direction given under subsection (1) expires*

- (a) on the expiration of 72 hours from the time that the direction is given, or*
- (b) on the expiration of a longer period of time as directed by the Court.*

*(4) Notwithstanding subsection (3), if with respect to a direction given under subsection (1) the 72-hour period expires on a day on which the Court does not sit, that direction continues in effect until*

direction does not expire until the end of the Court's business hours on the next day on which the Court sits.

**5 Section 9 is amended by adding the following after clause (d):**

- (e) if the Minister has made an application under section 13(1)(b.2), whether the restrained property may present a danger to the public or is illegal and should be modified or destroyed.

**6 Section 11(2)(a) and (3) are amended by adding “the origin and” before “the nature”.**

*the end of the Court's business hours on the first day that the Court sits following the expiration of the 72-hour period.*

**5** Section 9 presently reads:

*9 At a property disposal hearing, the Court is to determine*

- (a) whether or not the restrained property was acquired by illegal means;*
- (b) what interests, if any, the respondents have in the restrained property;*
- (c) whether or not a property victim or other respondent is entitled
  - (i) to any of the restrained property,*
  - (ii) to any proceeds from the restrained property, or*
  - (iii) to any compensation arising out of being deprived of property;**
- (d) whether or not any restrained property is available to be dealt with under section 17.*

**6** Section 11 presently reads in part:

*(2) If a respondent wishes to make a claim in respect of restrained property, the respondent must, not less than 5 days before the day on which the property disposal hearing is to commence,*

- (a) file with the Court an affidavit setting out the nature and extent of the respondent's interest in the property and any other matters related to the respondent's claim to the restrained property, and*

*(3) Notwithstanding subsection (2), at a property disposal hearing a respondent may, with the leave of the Court, give oral evidence setting out the nature and extent of the respondent's interest in the property and any other matters related to the respondent's claim to the restrained property.*

**7 Section 13(1) is amended**

- (a) in clause (b) by adding “, other than a respondent referred to in clause (b.1),” after “a respondent”;**
- (b) by repealing clause (b)(i) and substituting the following:**
  - (i) the origin and the nature and extent of that respondent’s interest in the property,
- (c) by adding the following after clause (b):**
  - (b.1) with respect to a respondent that is the Crown or a prescribed public body that incurred costs to protect the safety or health of persons or to protect property as a result of the illegal act in respect of which the property was restrained, the onus is on the Crown or the prescribed public body, as the case may be, to establish that it incurred those costs;
  - (b.2) the Minister may, on the basis that the restrained property may present a danger to the public or is illegal, apply for an order directing that the restrained property
    - (i) be modified before being returned, disposed of or utilized under this Part, or
    - (ii) be destroyed;

**8 Section 14(b) is amended**

- (a) in subclause (iii) by adding “payments or” after “making”;**
- (b) by adding the following after subclause (iii):**
  - (iv) where the Court determines that the restrained property may present a danger to the public or is illegal, direct that the restrained property be modified or destroyed.

**7** Section 13(1) presently reads in part:

*13(1) At a property disposal hearing*

- (b) the onus is on a respondent to establish, with respect to the restrained property,*
  - (i) the nature and extent of that respondent's claim to any interest in the property,*
  - (ii) that the respondent has not been involved in the commission of the illegal act in respect of which the property was restrained, and*
  - (iii) where the property had been acquired by illegal means and subsequent to the acquisition of the property by illegal means the property was acquired by the respondent, that the respondent did not know and would not reasonably be expected to know that the property had been acquired by illegal means;*

**8** Section 14 presently reads in part:

*14 If at the conclusion of a property disposal hearing the Court determines, based on a balance of probabilities, that the restrained property*

- (b) was acquired by illegal means, the Court may grant a property disposal order and in the property disposal order*
  - (i) provide under section 15 for the return of the restrained property to the respondents or otherwise dispose of the restrained property or the proceeds from the restrained property among the respondents;*
  - (ii) provide under section 16 for the disposal or other utilization of the restrained property for the purposes of*

**9 Section 16 is amended by renumbering it as section 16(1) and by adding the following after subsection (1):**

(2) If, after restrained property has been dealt with under subsection (1) and section 15, all or some of the restrained property remains undisposed of or is not otherwise utilized and, in the opinion of the Court,

- (a) the illegal act in respect of which the property was restrained also caused the Crown or a prescribed public body to incur costs to protect the safety or health of persons or to protect property, and
- (b) the Crown or the prescribed public body, as the case may be,
  - (i) has discharged the onus under section 13(1)(b.1), and
  - (ii) should be compensated for incurring those costs,

the Court may establish the amount of that compensation and direct that the restrained property or a portion of it be disposed of and the proceeds from the disposal up to the value of that amount of compensation be turned over to the Crown or the prescribed public body, or give any other directions in respect of the Crown or the prescribed public body that appear just and equitable.

**10 Section 17 is amended by adding “payments or” after “making”.**

*providing compensation to property victims who do not qualify for compensation under section 15;*

- (iii) provide under section 17 for the disposal of the restrained property and for the payment to the Crown of the proceeds from the disposal to be used for the purposes of making grants or as otherwise provided for under Division 2 of Part 3.*

**9** Section 16 presently reads:

*16 If after restrained property has been dealt with under section 15, all or some of the restrained property remains undisposed of or is not otherwise utilized under section 15 and, in the opinion of the Court,*

- (a) the illegal act for which the restrained property was restrained also caused or contributed to a property victim's being deprived of property that is not restrained property, and*
- (b) the property victim, with respect to that property that the property victim was deprived of,*
  - (i) has discharged the onus under section 13(1)(b) as if that property were restrained property, and*
  - (ii) should be compensated for the loss of that property,*

*the Court may establish the amount of that compensation and direct that the restrained property or a portion of it be disposed of and the proceeds from the disposal up to the value of that amount of compensation be turned over to the property victim, or give any other directions in respect of that property victim that appear just and equitable.*

**10** Section 17 presently reads:

*17 If, after restrained property has been dealt with under section 15 and, if applicable in the circumstances, under section 16, all or some of the restrained property remains undisposed of or is not otherwise utilized, the Court may direct that the restrained property*

**11 Section 19.1(2) is repealed and the following is substituted:**

(2) A reference in this Part to a victim is a reference to a person whose safety, health or property has been, in some manner, adversely affected or compromised by reason of an illegal act being carried out by another person using an instrument of illegal activity.

**12 Section 19.2 is amended**

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

**Legal action**

**19.2(1)** Subject to subsection (2), the Minister may, with respect to property that is alleged to be an instrument of illegal activity, commence an action under this Part by an originating notice for any one or more of the following purposes:

- (a) to obtain restitution or compensation for victims and other persons, including the Crown and prescribed public bodies;
- (b) to remove financial incentives to commit illegal acts, including disgorging financial gains from illegal acts;
- (c) to prevent property that has been used or is likely to be used in carrying out an illegal act from being used to carry out future illegal acts;
- (d) other purposes provided for in the regulations.

**(b) in subsection (2) by adding “or investigator” after “peace officer” wherever it occurs.**

*or a portion of it be disposed of and the proceeds from the disposal be paid to the Crown to be used for the purposes of making grants or as otherwise provided for under Division 2 of Part 3.*

**11** Section 19.1(2) presently reads:

*(2) A reference in this Part to a victim is a reference to*

- (a) a person whose safety or health, or*
- (b) whose property*

*has been, in some manner, adversely affected or compromised by reason of an illegal act being carried out by another person using an instrument of illegal activity.*

**12** Section 19.2 presently reads in part:

*19.2(1) Subject to subsection (2), the Minister may, with respect to property that is alleged to be an instrument of illegal activity, commence an action under this Part by an originating notice for the purposes of*

- (a) obtaining restitution or compensation for victims and other respondents, and*
- (b) making grants or as otherwise provided for under Division 2 of Part 3.*

*(2) The Minister may not commence an action under this Part unless*

- (a) a peace officer has carried out an investigation in respect of an illegal act, and*
- (b) as a result of the investigation referred to in clause (a) a peace officer*
  - (i) has reasonable grounds to believe that an illegal act was or is likely to be committed,*
  - (ii) reasonably believes that the property that is to be the subject of the application*

*(A) was used in carrying out an illegal act, or*

**13 Section 19.5 is amended**

**(a) by repealing subsection (3)(a) and substituting the following:**

- (a) subject to subsection (4), 10 days after the day on which the direction is given, or

**(b) by repealing subsection (4) and substituting the following:**

- (4)** If the day on which a direction would expire under subsection (3)(a) is a day on which the Court does not sit, the direction does not expire until the end of the Court's business hours on the next day on which the Court sits.

**14 Section 19.8 is amended by adding the following after clause (d):**

- (e) if the Minister has made an application under section 19.93(1)(b.2), whether the restrained property may present a danger to the public or is illegal and should be modified or destroyed.

- (B) is likely to be used in carrying out an illegal act,*
- and*
- (iii) reasonably believes that the illegal act referred to in subclause (ii)*
  - (A) resulted in the acquisition of other property or in bodily harm to any person, or*
  - (B) would or would be likely to or be intended to result in the acquisition of other property or in bodily harm to any person.*

**13** Section 19.5 presently reads in part:

- (3) Unless sooner revoked by a peace officer, a direction given under subsection (1) expires*
  - (a) on the expiration of 72 hours from the time that the direction is given, or*
  - (b) on the expiration of a longer period of time as directed by the Court.*
- (4) Notwithstanding subsection (3), if with respect to a direction given under subsection (1) the 72-hour period expires on a day on which the Court does not sit, that direction continues in effect until the end of the Court's business hours on the first day that the Court sits following the expiration of the 72-hour period.*

**14** Section 19.8 presently reads:

- 19.8 At a property disposal hearing, the Court is to determine*
- (a) whether or not the restrained property is an instrument of illegal activity;*
  - (b) what interests, if any, the respondents have in the restrained property;*
  - (c) whether or not a victim or other respondent is entitled*
    - (i) to any of the restrained property,*

**15 Section 19.91(2)(a) and (3) are amended by adding “the origin and” before “the nature”.**

**16 Section 19.93(1) is amended**

- (a) in clause (b) by adding “, other than a respondent referred to in clause (b.1),” after “a respondent”;**
- (b) by repealing clause (b)(i) and substituting the following:**
  - (i) the origin and the nature and extent of that respondent’s interest in the property,
- (c) by adding the following after clause (b):**
  - (b.1) with respect to a respondent that is the Crown or a prescribed public body that incurred costs to protect the safety or health of persons or to protect property as a result of the restrained property having been used, or of the likelihood that it would be used, in carrying out an

- (ii) *to any proceeds from the restrained property, or*
- (iii) *to any compensation arising out of the respondent's safety or health or property being, in some manner, adversely affected or compromised by an illegal act carried out with the instrument of illegal activity;*
- (d) *whether or not any restrained property is available to be dealt with under section 19.97.*

**15** Section 19.91 presently reads in part:

- (2) *If a respondent wishes to make a claim in respect of restrained property, the respondent must, not less than 5 days before the day on which the property disposal hearing is to commence,*
  - (a) *file with the Court an affidavit setting out the nature and extent of the respondent's interest in the property and any other matters related to the respondent's claim to the property, and*
- (3) *Notwithstanding subsection (2), at a property disposal hearing a respondent may, with the leave of the Court, give oral evidence setting out the nature and extent of the respondent's interest in the restrained property and any other matters related to the respondent's claim to the property.*

**16** Section 19.93(1) presently reads:

*19.93(1) At a property disposal hearing*

- (a) *the onus is on the Minister to establish that the restrained property is an instrument of illegal activity;*
- (b) *the onus is on a respondent to establish, with respect to the restrained property,*
  - (i) *the nature and extent of that respondent's claim, if any, to any interest in the property,*
  - (ii) *that the respondent*

illegal act, the onus is on the Crown or the prescribed public body, as the case may be, to establish that it incurred those costs;

- (b.2) the Minister may, on the basis that the restrained property may present a danger to the public or is illegal, apply for an order directing that the restrained property
  - (i) be modified before being returned, disposed of or utilized under this Part, or
  - (ii) be destroyed;

**17 Section 19.94(b) is amended**

- (a) in subclause (iii) by adding “payments or” after “making”;**
- (b) by adding the following after subclause (iii):**
  - (iv) where the Court determines that the restrained property may present a danger to the public or is illegal, direct that the restrained property be modified or destroyed.

- (A) *has not been or would not have been involved in or associated with carrying out an illegal act using, or associated with, the restrained property, and*
- (B) *did not know and would not reasonably be expected to know that the restrained property was or was likely to be used in carrying out an illegal act,*
- (iii) *if the respondent is a victim of an illegal act that the restrained property was used in carrying out, that the respondent's safety or health or property has been, in some manner, adversely affected or compromised as a result of the illegal act, and*
- (iv) *where the property was used in carrying out an illegal act and subsequent to the illegal act the property was acquired by the respondent, that the respondent did not know and would not reasonably be expected to know that the property had been used in carrying out an illegal act;*
- (c) *the parties to the action may make representations in respect of matters before the Court, and any other person who is not a party to the action may, with the leave of the Court, make representations to the Court in respect of matters before the Court;*
- (d) *with the leave of the Court, any respondent or other person may give oral evidence.*

**17** Section 19.94 presently reads:

*19.94 If at the conclusion of a property disposal hearing the Court determines, based on a balance of probabilities, that the restrained property*

- (a) *was not used and is not likely to be used in carrying out an illegal act, the Court*
- (i) *is to revoke the restraint order and direct that the restrained property be returned to the person against whom the restraint order was made or to any other person that the Court considers appropriate or as otherwise directed by the Court, and*

**18 Section 19.96 is amended by renumbering it as section 19.96(1) and by adding the following after subsection (1):**

(2) If, after restrained property has been dealt with under subsection (1) and section 19.95, all or some of the restrained property remains undisposed of or is not otherwise utilized and, in the opinion of the Court,

- (a) the illegal act in respect of which the property was restrained also caused the Crown or a prescribed public body to incur costs to protect the safety or health of persons or to protect property,
- (b) the Crown or the prescribed public body, as the case may be,
  - (i) has discharged the onus under section 19.93(1)(b.1), and
  - (ii) should be compensated for incurring those costs,

(ii) *may provide for compensation for actual loss, if any, resulting directly from the restraint of the property,*

*or*

(b) *was used or is likely to be used in carrying out an illegal act, the Court may grant a property disposal order and in the property disposal order*

(i) *provide under section 19.95 for the return of the restrained property to the respondents or otherwise dispose of the restrained property or the proceeds from the restrained property among the respondents;*

(ii) *provide under section 19.96 for the disposal or other utilization of the restrained property for the purposes of providing compensation to victims who do not qualify for compensation under section 19.95;*

(iii) *provide under section 19.97 for the disposal of the restrained property and for payment to the Crown of the proceeds from the disposal to be used for the purposes of making grants or as otherwise provided for under Division 2 of Part 3.*

**18** Section 19.96 presently reads:

*19.96 If after restrained property has been dealt with under section 19.95, all or some of the restrained property remains undisposed of or is not otherwise utilized under section 19.95 and, in the opinion of the Court,*

(a) *the illegal act for which the restrained property was restrained caused or contributed to a respondent's safety or health or property being, in some manner, adversely affected or compromised, and*

(b) *the respondent*

(i) *is a victim,*

(ii) *does not have an interest in the restrained property,*

(iii) *has discharged the onus under section 19.93(1)(b)(ii) and (iii), and*

the Court may establish the amount of that compensation and direct that the restrained property or a portion of it be disposed of and the proceeds from the disposal up to the value of that amount of compensation be turned over to the Crown or the prescribed public body, or give any other directions in respect of the Crown or the prescribed public body that appear just and equitable.

**19 Section 19.97 is amended by adding “payments or” after “making”.**

**20 Section 32 is amended by adding “payments or” after “making”.**

- (iv) *should be compensated for the adverse effect on or compromising of the respondent's safety or health or property,*

*the Court may establish the amount of that compensation and direct that the restrained property or a portion of it be disposed of and the proceeds from the disposal up to the value of that amount of compensation be turned over to the respondent, or give any other directions in respect of that respondent that appear just and equitable.*

**19** Section 19.97 presently reads:

*19.97 If, after restrained property has been dealt with under section 19.95 and, if applicable in the circumstances, under section 19.96, all or some of the restrained property remains undisposed of or is not otherwise utilized, the Court may direct that the restrained property or a portion of it be disposed of and the proceeds from the disposal be paid to the Crown to be used for the purposes of making grants or as otherwise provided for under Division 2 of Part 3.*

**20** Section 32 presently reads:

*32 If*

- (a) *an offender has been convicted of an offence arising out of an illegal act,*
- (b) *the Court, during the trial or other proceeding that led to the conviction, had made a determination as to the amount of gain made or the value of property acquired by the offender by virtue of carrying out the illegal act, and*
- (c) *in respect of that offence a restitution order has not been made or the offence was not one in respect of which a restitution order may be made,*

*the Court may, on the application of the Minister, make a compensation order directing that the offender pay to the Crown an amount, not greater than the amount referred to in clause (b), to be used for the purposes of making grants or as otherwise provided for under Division 2.*

**21 Section 33(1) is amended by adding “payments or” after “purposes of making”.**

**22 Section 39(1) is amended by adding “payments or” after “purposes of making” wherever it occurs.**

**21** Section 33(1) presently reads:

*33(1) If a compensation order has been made, the Court may, on the Court's own motion or on the application of the Minister made at the time of or at any time following the making of the compensation order, make a compensation assistance order directing that a compensation assistance hearing be conducted for the purposes of determining matters respecting the payment of compensation by the offender to the Crown to be used for the purposes of making grants or as otherwise provided for under Division 2.*

**22** Section 39(1) presently reads:

*39(1) At the conclusion of a compensation assistance hearing, the Court may make a compensation payment order doing one or more of the following:*

- (a) with respect to any property of the offender, setting aside a transfer or other disposal of any property or any charge or encumbrance placed against any of the property if, in the opinion of the Court,
  - (i) the transfer or other disposal of the property or any charge or encumbrance was placed on or against the property subsequent to the commission of the offence that gave rise to the making of the compensation order, and*
  - (ii) the transfer or disposal of the property or the charging or encumbering of the property was not made for reasonable consideration in an arm's length transaction;**
- (b) directing that any money of the offender, up to the amount provided for under the compensation order, be paid by the offender, or by any other person having possession or control over the money, to the Crown to be used for the purposes of making grants or as otherwise provided for under Division 2;*
- (c) directing that any property of the offender be disposed of and the proceeds from the disposal, up to the amount provided for under the compensation order, be paid to the Crown to be used for the purposes of making grants or as otherwise provided for under Division 2;*

**23 Section 43 is repealed.**

- (d) *directing the offender to make payments to the Crown by means of instalments, the total amount of the instalments not to exceed the amount provided for under the compensation order, to be used for the purposes of making grants or as otherwise provided for under Division 2.*

**23** Section 43 presently reads:

*43(1) In this Division, “Minister” means the Minister of Justice and Attorney General for Alberta.*

*(2) A reference in this Division to a victims program is a reference to a program, undertaking or arrangement the purpose of which is, or one of the primary purposes of which is, in the opinion of the Minister,*

- (a) to provide assistance in relation to persons who have or are suffering from addictions, abuses, afflictions or similar conditions that are, in some manner, attributable or contributed to or fostered by the carrying out of an illegal act,*
- (b) to provide assistance to persons whose safety or health has been, in some manner, adversely affected or compromised as a result of the carrying out of an illegal act, or*
- (c) to provide assistance to persons whose property has been, in some manner, adversely affected or compromised as a result of the carrying out of an illegal act.*

*(3) A reference in this Division to persons suffering a loss arising out of an illegal act is a reference to*

- (a) persons who, in the opinion of the Minister, have suffered from or are suffering from addictions, abuses, afflictions or similar conditions that are, in some manner, attributable or contributed to or fostered by the carrying out of an illegal act,*
- (b) persons whose safety or health, in the opinion of the Minister, has been, in some manner, adversely affected or compromised as a result of the carrying out of an illegal act, or*

**24 Section 44 is repealed and the following is substituted:**

**Payments and grants**

**44(1)** Subject to the regulations, the Minister may make payments or grants from money that is paid to the Crown under this Act for any one or more of the following purposes:

- (a) compensation of victims;
- (b) programs that benefit victims;
- (c) prevention of illegal acts;
- (d) provision of compensation to the Crown or prescribed public bodies for costs incurred to protect the safety or health of persons or to protect property as a result of illegal acts;
- (e) other purposes provided for in the regulations.

- (c) persons whose property, in the opinion of the Minister, has been, in some manner, adversely affected or compromised as a result of the carrying out of an illegal act.*
- (4) A reference in this Division to money being paid by an offender under this Part to the Crown includes property of the offender being turned over to the Crown for the purposes of being disposed of and the proceeds from the disposal being used under this Division.*
- (5) A reference in this Division to the provision of assistance includes the provision of treatment, care, rehabilitation or compensation.*

**24** Section 44 presently reads:

*44(1) Where, in respect of an illegal act, money is paid under this Act to the Crown for the purposes of being used under this Division, that money is to be used to make grants for the benefit of or in relation to a victims program that, in the opinion of the Minister, provides assistance to persons suffering loss arising out of illegal acts that are the same as or similar in nature to the illegal act in respect of which the payment was made to the Crown.*

- (2) For the purposes of subsection (1), the Minister by order may*
  - (a) specify or otherwise provide for the determination of those victims programs that are eligible to receive grants under this Division;*
  - (b) specify or otherwise provide for the determination of those illegal acts or classes of illegal acts in respect of which money may be paid to the Crown under this Act to be used for making grants under this Division;*
  - (c) specify or otherwise provide for the determination of persons or organizations operating victims programs that are eligible to receive grants under this Division;*
  - (d) specify or otherwise provide for the determination of particular victims programs that are to receive grants from money paid to the Crown under this Act in respect of particular illegal acts or classes of illegal acts.*
- (3) The Minister may, subject to any terms or conditions that the Minister may impose, authorize an employee of the Crown who is*

**25 Section 45 is repealed and the following is substituted:**

**Victims of Crime 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 Fund to be used under the *Victims of Crime Act*.

**26 Section 48 is amended**

- (a) by renumbering it as section 48(1);**
- (b) in subsection (1) by striking out “No costs” and substituting “Subject to subsections (2) and (3), no costs”;**
- (c) by adding the following after subsection (1):**
  - (2)** Costs may be awarded to a person against the Crown if
    - (a) a restraint order was made against the person, and
    - (b) an order was made under section 8(2)(b), 14(a)(i), 19.7(2)(b) or 19.94(a)(i) returning the restrained property to the person.
  - (3)** Costs must be determined in accordance with the *Alberta Rules of Court* and the practice and procedure of the Court of Queen’s Bench or the Court of Appeal, as the case may be.

*under the administration of the Minister to act on behalf of the Minister in carrying out any duty or function of the Minister under this Division.*

*(4) The Regulations Act does not apply to an order made under subsection (2).*

**25** Section 45 presently reads:

*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,*

- (a) it is not possible or reasonably practicable to make a grant in accordance with section 44, or*
- (b) the money or the circumstances in respect of which the money was paid are not dealt with under an order made under section 44(2),*

*that money is to be paid by the Crown into the Victims of Crime Fund to be used under the Victims of Crime Act.*

**26** Section 48 presently reads:

*48 No costs and no payment of any expenses may be awarded against the Crown, the Minister, any employee of the Crown or any person acting on behalf of the Crown in respect of a legal action.*

**27 Section 55 is amended**

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

- (a.1) designating persons or classes of persons as investigators;

**(b) by adding the following after clause (c):**

- (c.1) prescribing other purposes for which an action may be commenced under section 3(1) or 19.2(1);
- (c.2) prescribing public bodies for the purposes of this Act;
- (c.3) respecting the making of payments or grants under section 44 including, without limitation, regulations
  - (i) respecting other purposes for which a payment or grant may be made;
  - (ii) respecting applications for payments or grants;
  - (iii) respecting the conditions required to be met by any applicant for a payment or grant;
  - (iv) respecting the conditions on which a payment or grant is made;
  - (v) limiting the amount of any payment or grant or class of payment or grant that may be made;

**27** Section 55 presently reads:

*55 The Lieutenant Governor in Council may make regulations*

- (a) specifying enactments of Canada or provisions of those enactments to which this Act applies;*
- (b) specifying enactments of Alberta or provisions of those enactments to which this Act applies;*
- (c) establishing or otherwise modifying any rules or procedures that apply to legal actions;*
- (d) specifying or otherwise prescribing the information and documentary evidence to be provided in respect of a property and revenue statement given under Part 2 or 3;*
- (e) providing for forms to be used under this Act and respecting the use of those forms;*
- (e.1) respecting the collection, use or disclosure of personal information;*
- (f) for the purposes of legal actions,*
  - (i) modifying any of the rules of the Alberta Rules of Court,*
  - (ii) making rules to apply in the place of one or more of the rules of the Alberta Rules of Court;*
  - (iii) specifying that one or more of the rules of the Alberta Rules of Court do not apply;*
  - (iv) prescribing that only specific rules of the Alberta Rules of Court apply.*





