

# **Crime Victim Assistance Program Counselling Guidelines 2015**

**Ministry of Justice  
Community Safety and Crime Prevention Branch  
Victim Services and Crime Prevention Division**

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## ***INTRODUCTION***

British Columbia's Crime Victim Assistance Program (CVAP), established on June 30, 2002, is administered by Victim Services and Crime Prevention Division of the Ministry of Justice. The program was introduced to replace the Criminal Injury Compensation Program that was administered by the Workers' Compensation Board since 1972.

The *Crime Victim Assistance Act* and the two regulations, the Crime Victim Assistance (General) Regulation, and the Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation set out the benefits available as well as any conditions or limitations on receiving benefits.

Further clarification is also contained in program policy which guides the adjudicative processes in a manner that:

- clarifies the intent or meaning of provisions of the act and regulations and provides guidance on their implementation;
- promotes consistency with other legislation or government policy that has a bearing on the Crime Victim Assistance Program; and
- promotes fair and consistent decision-making.

## ***COUNSELLING SERVICES OR EXPENSES***

The Crime Victim Assistance Act establishes counselling services or expenses as a benefit which may be available to victims, immediate family members of victims and some witnesses. The Crime Victim Assistance (General) Regulation sets out the conditions or limitations for providing counselling benefits and also establishes the approved fee rate for reimbursement of counselling services.

The General regulation establishes the maximum number of hours of counselling available, as follows:

- 48 hours for victims
- 36 hours for immediate family members, and
- 12 hours for witnesses

**The maximum number of sessions are not discretionary and sessions in excess of the maximum can not be covered.** However, where the claimant was a minor when the offence occurred, the number of hours of counselling available may, on approval, exceed the maximums set out above.

The Counselling Guidelines provide further information and clarification regarding expectations for the provision of counselling services, reporting requirements and limitations applicable to service providers requesting reimbursement for counselling services on accepted claims with the Crime Victim Assistance Program.

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## ***GUIDING PRINCIPLES AND COUNSELLING OBJECTIVES***

Where counselling services or expenses have been awarded to a victim, immediate family member or witness under the legislation, the following guiding principles apply:

1. The Crime Victim Assistance Program provides counselling benefits to eligible victims, their immediate family members and applicants who meet the definition of 'witness' under the *Crime Victim Assistance Act*.
2. The counselling benefits are provided to respond to the psychological, or counselling needs that arise from the claimant's victimization.
3. In providing counselling benefits, the goal is to assist the claimant in his or her recovery from the psychological trauma experienced as a result of the injury. Treatment funded by the Crime Victim Assistance Program must focus on assisting the claimant to:
  - develop skills and coping strategies to reduce the symptoms arising or related to the criminal offence and injury and
  - restore functioning to a level similar to the claimant's pre-injury functioning, recognizing the following:
    - a. The extent of recovery that may be attained will differ as a function of several factors, including: family history, pre-morbid functioning, developmental stage at which injury occurred, type and duration of criminal injury, personality dynamics, coping capacity, available support system, other life stressors, and physical health.
    - b. For some claimants, recovery will be attained by a return to their prior level of functioning (i.e. before the criminal injury occurred). However, some claimants experience long-term psychological changes (e.g. feelings of sadness, decreased confidence and increased vulnerability) and may not attain their prior level of functioning.
    - c. Particularly vulnerable individuals, such as those with severe personality disorders or psychological disturbance and/or those who have experienced prolonged, severe early childhood abuse or neglect, may never fully recover from their criminal injury. Because provision of exceedingly long-term psychological support for these claimants exceeds the mandate of the Crime Victim Assistance Program, counselling authorized by the Crime Victim Assistance Program will be limited as outlined below (see Continuation of Counselling).
    - d. When counselling is funded for a child or adolescent, prior level of functioning may not be an appropriate measure for recovery. In these cases, the individual's current functioning must also be evaluated in

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relation to his or her current developmental stage. That is, the goal of treatment with a seven year old child who was victimized at age five should be in keeping with the development of a seven year old (taking into account factors noted in (a) above) rather than a return to the prior level of functioning of a five year old.

4. The number of hours of counselling available for victims, immediate family members and witnesses are subject to the conditions and limitations set out in the Crime Victim Assistance (General) Regulation

The Crime Victim Assistance Program will provide funding for services that are empirically validated, commonly accepted psychological or psychiatric practice. It is the responsibility of the counselor to confirm that the program approves the counselling prior to the sessions commencing. The Crime Victim Assistance Program does not provide funding for neurotherapy.

Counselling benefits are provided to address the psychological injury arising as a result of the offence. It is recognized that in some instances the victimization gives rise to concurrent issues that while not directly related to the offence are considered to be commonly occurring issues due to the nature of the offence. It is recognized that these issues need to be addressed in conjunction with counselling specific to the offence (e.g. alcohol and substance abuse in cases involving historical sexual abuse). **Funding will not be provided however, for counselling in relation to issues that are unconnected with the offence or are extraneous to the injury.**

## **QUALIFICATIONS AND FEES OF COUNSELLOR**

*In most cases, fees for counselling will be paid directly to the service provider. The fee payable to an individual counsellor will be determined by the program in accordance with the Crime Victim Assistance (General) Regulation.*

In order to determine the fee rate payable to a counsellor, a curriculum vitae including proof of work experience, academic and professional accreditation **must be filed** with the Crime Victim Assistance Program by all counsellors who are not registered members of the College of Psychologists of British Columbia or Social Workers "approved for private practice" by the B.C. Board of Registration for Social Workers. A curriculum vitae is required by all out-of-province counsellors, (including Psychologists and Registered Social Workers approved for private practice).

The curriculum vitae must clearly outline the degree major and/or master's program obtained from an accredited college or university and state how many years and supervised hours have been completed with the names of supervisors and number of years of work experience and employers.

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The fees payable shall be determined by the Crime Victim Assistance Program and shall be determined based on training, qualifications, membership in professionally accredited associations, and experience as set out in the Crime Victim Assistance (General) Regulation (replicated in Appendix A).

All counsellors, regardless of their level of qualification, are expected to have demonstrated, well-developed communication skills, interviewing and assessment skills, good judgment in defining goals and in developing intervention strategies and good administrative skills. In addition, the counsellor must have knowledge, directly relevant to the presenting problem and proposed counselling, in several of the following fields:

- intervention theory
- human development
- adolescent or child psychology
- developmental psychology
- non-verbal aspects of counselling
- family counselling
- social policy and legal framework
- service delivery systems and community resources
- principles of case management and educational or support group process

All counsellors must consent, in writing to a criminal records check, which must be renewed every five years. The form will be provided by, and returned to, the Crime Victim Assistance Program who will coordinate the completion of the criminal record check. Any recorded incident indicating behaviour or a pattern of behaviour which the Crime Victim Assistance Program identifies as putting the safety and well-being of a vulnerable person at risk will lead to automatic disqualification for funding for counselling services through the program.

While the Crime Victim Assistance Program is responsible for confirming a counsellor's education and experience in order to determine the appropriate fee rate, payment for counselling services by the program is not an acknowledgment or certification by the Crime Victim Assistance Program of the counsellor's competency.

**Registration with the Crime Victim Assistance Program allows the program to pay the counsellor directly. The Crime Victim Assistance Program does not refer or recommend counsellors to approved claimants. The choice of counsellor is completely that of the claimant.**

To receive registration information or for any questions on the registration process please e-mail the program at [cvap@gov.bc.ca](mailto:cvap@gov.bc.ca)

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## ***INSURANCE***

Counsellors are expected to assume the risks of their own incompetence, misconduct, or negligence. Counsellors must obtain professional liability insurance including coverage of \$2,000,000 or more per occurrence. Proof of insurance coverage must be provided on request.

## ***GENERAL***

It is the counsellor's responsibility to ensure the Crime Victim Assistance Program has determined that the claimant is eligible for counselling services or expenses. Claimants are provided a copy of the decision and where they have been provided counselling, they are encouraged to discuss the number of sessions and fees payable with the counsellor in advance of services being provided.

The Crime Victim Assistance Program will generally pay for counselling taken prior to a decision being rendered **only** if:

- the claimant is found to be eligible for benefits;
- the counselling was in relation to the injuries that arose as a result of the offence;
- the counselling was taken after the date of the offence and within 12 months of receipt of the application.

No payment for counselling will be made where the claimant has been found to be ineligible for benefits, unless an interim decision was made which allowed funding for counselling services while the claim was in process.

Each application received by the Crime Victim Assistance Program is assigned a claim number for administration purposes. **A claim number does not signify acceptance of the claim, merely that the claim has been registered with the program for adjudication.** Any correspondence regarding an applicant must reference both the applicant's name and their claim number.

All accepted claimants are provided a Restitution and Civil Action form with their original decision. This form notifies of the claimant's intent to pursue a civil action against the person(s) responsible for their injuries. This form **must** be returned to the program prior to payments being initiated. It is recommended the counsellor inquire whether the claimant has completed and returned the form.

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## **REPORTS**

The Crime Victim Assistance Program will provide a claimant a copy of the decision which sets out their eligibility for benefits under the legislation, including the number of hours of counselling to be funded.

### *Intake Reports:*

An intake report is **NOT** required by the Program except where the program specifically requests an intake assessment and report prior to determining whether counselling benefits will be provided. Where the Program has requested an intake assessment and report, a fee equivalent to a maximum of three (3) hours at the approved fee rate will be paid for completion of the intake session and report. Payment to be made upon receipt of the report and invoice.

### Progress or Termination Reports:

A Progress or termination report may be requested by the Crime Victim Assistance Program just before completion of the number of hours of counselling provided. A fee is payable for preparation of this report up to a maximum of one (1) hour at the approved fee rate. Payment to be made upon receipt of the report and invoice.

Examples of the forms for the reports are attached in the Appendix.

The Crime Victim Assistance Program will **not** pay for the completion of reports that have not been requested.

## **CONSULTATIONS**

No fees will be provided for consultation between the counsellor and others involved in the claimant's care, including other counsellors, social workers, school representatives or other service providers, without prior approval by the Crime Victim Assistance Program.

Consultations with other counsellors, social workers, school representatives or other service providers may be reimbursed where they are considered to be psychoeducational in nature and of benefit in developing a supportive therapeutic/counselling environment for the victim.

The counsellor should confirm that psychoeducational sessions have been approved prior to any consultation.



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## ***CONTINUATION OF COUNSELLING***

The number of hours of counselling available for victims, immediate family members and witnesses are subject to the conditions and limitations set out in the Crime Victim Assistance (General) Regulation.

Invoices for counselling will be paid only to the extent that the number of hours billed does not exceed the number of counselling hours awarded.

A claimant may identify a need for further counselling and can, subject to the regulations, request a reassessment to increase the number of counselling hours to be funded. The request for reassessment must be submitted by the claimant, not the counsellor.

The Crime Victim Assistance Program may require a psychological assessment by an independent practitioner designated by the Crime Victim Assistance Program in determining eligibility for additional counselling.

Continuation of counselling will be considered only in cases in which the claimant:

- (a) continues to experience psychological harm related to the offence, and
- (b) exhibits progress towards recovery from the psychological harm.

Continuation of counselling will not be funded by the Crime Victim Assistance Program when it is evident that:

- the issues being dealt with in counselling are not related to the offence;
- the claimant is making no progress toward recovery, or progress has plateaued;
- the claimant is undermining their recovery or does not appear committed to working toward recovery.

The counsellor and claimant may want to develop alternate plans for the provision of support and/or counselling following the conclusion of funding through the Crime Victim Assistance Program.

## ***RECOMMENCEMENT OF COUNSELLING***

Claims are closed after a period when there has been no activity on the file. If additional counselling is required after a prolonged break in counselling, the claim can be re-opened upon receipt of a request for reassessment from the claimant (provided the maximum number of counselling hours have not already been provided). Where such a request is received, the program may request that the counsellor provide a report regarding:

- how the present need for counselling relates to the offence;
- the goals of further counselling.

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Where the Program has requested a report in relation to returning to counselling, the Program will pay a fee equivalent to three (3) hours for consultation with the claimant and completion of an intake report at the approved fee rate.

### ***PSYCHO-EDUCATIONAL SESSIONS FOR SUPPORT PERSONS TO ASSIST VICTIM***

In some circumstances, funding for four (4) one hour support sessions may be provided for persons who form a support system for the claimant. These sessions are educational in nature and are for the purpose of discussing ways in which to support or facilitate the victim's recovery from the offence.

Generally these sessions are available for family members of the victim but can also include other persons identified by the victim and counsellor as having a significant supportive role in facilitating the recovery process.

### ***IMMEDIATE FAMILY MEMBERS OF VICTIMS OF CRIME***

The Crime Victim Assistance Program may fund counselling for immediate family members of injured or deceased victims. "Immediate family members" are defined in the Act as **at the time of the offence** were a spouse, child, sibling, step-sibling, half-sibling or parent of the victim. Grandparents or grandchildren of the victim are also considered to be immediate family members if they were financially dependent on the victim at the time the offence occurred. A person who, although not a parent or child of the victim who stood in place of a parent or child to the victim, is also considered to be an immediate family member of a victim.

Counselling for immediate family members will be limited to a maximum of thirty-six (36) hours, except where the immediate family member was a minor at the time of the offence. When determining an immediate family member's entitlement to counselling or their request for an extension for additional counselling, the Crime Victim Assistance Program will consider evidence provided by a counsellor or medical doctor.

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## ***WITNESS***

Under the *Crime Victim Assistance Act* a “witness” has a particular definition and is not to be confused with the common use of the term ‘witness’ in a police investigation or court case.

Under the *Crime Victim Assistance Act* a witness must meet ALL of the following criteria:

- they had a strong emotional attachment to a victim who was killed or suffered life threatening injuries AND
- they were in close proximity to the victim when the victim was injured or killed or they came upon the immediate aftermath of the death of the victim AND
- The circumstances were sufficient to cause alarm, shock and fright such that the person suffered psychological harm that is diagnosed by a registered psychologist, medical practitioner or a nurse practitioner as a recognized psychological or psychiatric condition.

Counselling for eligible witnesses will be limited to a maximum of 12 hours, except where the witness was a minor at the time the offence occurred.

## ***GROUP COUNSELLING***

Where the claimant attends group counselling, fees are paid in accordance with the approved fee rate set out in Appendix A. Attendance at group counselling is counted as a session in the same manner as if the claimant had attended a one-on-one counselling session.

## ***ATTENDANCE BY THE OFFENDER***

The *Crime Victim Assistance Program* will **not** fund counselling where the offender attends counselling with the victim.

This includes counselling that is part of a restorative justice or reconciliation process. Counselling for the claimant alone in preparing for sessions involving the offender are eligible but not for sessions that directly involve the accused /offender.

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## ***CHANGE OF COUNSELLOR***

The Crime Victim Assistance Program recognizes the claimant's right to select a counsellor to meet individual needs. However, the Crime Victim Assistance Program may terminate funding where:

- a) the claimant is changing counsellors on a regular basis, and
- b) it appears that no counsellor is being given sufficient time to assist the claimant.

A change of counsellor will not result in an extension of the number of counselling hours funded.

## ***IN-HOME COUNSELLING***

As in-home counselling would be allowed only in exceptional circumstances, prior approval **must** be obtained in any case involving counselling taking place in the claimant's home. Confirmation may be required that the counsellor's personal liability insurance extends to the provision of counselling in this setting.

## ***ATTENDANCE OF COUNSELLOR IN COURT***

The cost of attendance of a counsellor in Court as a witness or as a support to the claimant will not be funded by the Crime Victim Assistance Program.

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## ***CANCELLED SESSIONS***

The Crime Victim Assistance Program will not pay for cancelled sessions where the claimant has provided sufficient cancellation notice (24 hours).

Where the claimant has failed to attend a scheduled counselling appointment and has not provided sufficient cancellation notice, the Crime Victim Assistance Program will pay the cost of the session, however the session will be deducted from the total number of counselling hours awarded to the claimant unless the counsellor waives the fee.

**Where the claimant fails to attend more than three sessions without providing cancellation notice required by the counsellor, the counsellor must notify the Crime Victim Assistance Program.**

## ***COUNSELLING AIDS***

Costs for aids such as stress management courses, self improvement seminars, audio or visual displays, self-help books, tapes or other such materials will not be funded by the Crime Victim Assistance Program.

## ***COUNSELLING BY TELEPHONE OR VIDEOCONFERENCE***

The cost of telephone counselling will generally not be covered. An exception will be made only in circumstances in which telephone counselling takes place in lieu of a scheduled counselling appointment in which the claimant, due to illness or distance, has been unable to attend, or crisis intervention is required.

Counselling by telephone or video conference MAY be permitted, with **prior approval**, where the claimant lives remotely and would otherwise be unable to access the approved sessions. Telephone counselling must be clearly indicated on the invoice specifying the portion of the counselling hour spent on the telephone and an explanation as to the need for this type of counselling.

## ***TRAVEL TO AND FROM COUNSELLING APPOINTMENTS***

Travel expenses incurred by the attending counsellor to see the claimant will not be accepted in any case without prior Crime Victim Assistance Program approval. Travel by the attending counsellor will be considered only in the event that, due to serious illness, the claimant is unable to travel and crisis intervention is required or in the event that there are no other therapeutic resources available to the claimant within a reasonable proximity of the claimant's residence.

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Upon approval by the Crime Victim Assistance Program payment will be made in accordance with the Group I public service employee rates in effect at the time. (Contact the Crime Victim Assistance Program for current rates).

In addition, payment for travel time shall not exceed 50% of the approved counsellor's hourly approved fee rate.

## ***INVOICES***

Original invoices, reports and letters should be forwarded to:

**Crime Victim Assistance Program**  
**Box 5550 Stn Terminal**  
**Vancouver, BC V6B 1H1**

Or e-mail to [CVAP@gov.bc.ca](mailto:CVAP@gov.bc.ca)

Invoices must identify:

- the name of the claimant
- the claim number for which counselling services were provided
- the date of the counselling session
- the name of the counsellor who provided the counselling.

Where the claimant has several claims for which they are entitled to counselling, separate invoices, letters or reports should be provided and identify the specific claim being referenced in the correspondence. This will ensure claimants receive the number of hours of counselling they are entitled to on each claim and counsellors are reimbursed in accordance with the total number of hours awarded.

Invoices must be forwarded to the Crime Victim Assistance Program **on regular /consistent basis (approximately at the completion of 4 sessions)**. The Crime Victim Assistance Program is a benefit program that is subject to change through amendments to the regulations and payments on overdue accounts cannot be guaranteed.

The Crime Victim Assistance Program will send a letter to the claimant and counsellor when the approved sessions are nearing completion (generally with 4 sessions remaining). Failure to provide invoices on a regular basis may result in a delay in processing or in sessions not being covered.

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Intake, progress/termination reports should be invoiced separately for accounting purposes.

Please note, the Crime Victim Assistance Program is **not** GST exempt. It is the responsibility of the counsellor to ensure they are billing correctly including applicable GST at the time of invoice.

### ***Appendices***

#### **A. Fee Rates**

#### **B. Sample Intake Report**

#### **C. Sample Progress/Termination Report**

#### **D. Sample Invoice**

## **Appendix A: Fee Rates**

### **Maximum Amount for Counselling Services**

<b>Column 1 Type of Counselling</b>	<b>Column 2 Maximum Hourly Rate</b>
<p><b>1</b> Individual counselling session provided by a counsellor who has the following education, training and experience:</p> <p>(a) Education and Training: high school graduation supplemented by completion of one or more relevant continuing education courses or training by an educational institution or agency approved by the director.</p> <p>(b) Experience: minimum of 6 years supervised counselling experience in a field related to counselling to be provided under the Act. Related fields include psychology, social work, criminology, child and youth care or psychiatric nursing.</p>	\$40
<p><b>2</b> 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, training and experience:</p> <p>(a) Education and Training: undergraduate degree or 2 year diploma in a field related to counselling to be provided under the Act. Related fields include psychology, social work, criminology, child and youth care or psychiatric nursing.</p> <p>(b) Experience:</p> <p>(i) for a person with an undergraduate degree, a minimum of 4 years supervised counselling experience in a field related to counselling to be provided under the Act;</p> <p>(ii) for a person with a 2 year diploma, a minimum of 5 years supervised counselling experience in a field related to counselling to be provided under the Act.</p> <p>Related fields include psychology, social work, criminology, child and youth care or psychiatric nursing.</p> <p>In paragraph (b) of this item, "<b>supervised counselling experience</b>" includes any time spent in a supervised clinical placement approved by a college or university, up to a maximum of 500 hours.</p>	\$60
<p><b>3</b> An 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, training and experience:</p> <p>(a) Education and Training: master's degree or doctorate in psychology, psychiatry, social work, clinical or counselling psychology or criminology.</p> <p>(b) Experience: A minimum of 6 months supervised counselling experience for a counsellor with a doctorate. A minimum of 2 years supervised counselling</p>	\$80



	<p>experience for a counsellor with a master's degree.</p> <p>In paragraph (b) of this item, "<b>supervised counselling experience</b>" includes any time spent in a supervised clinical placement approved by a college or university, up to a maximum of 800 hours.</p>	
<b>4</b>	An individual counselling session provided by a counsellor who is not described in item 5 of this Schedule and who is a member in good standing and approved for private practice by the B.C. Registered Social Workers Association or an equivalent association in another jurisdiction.	\$95
<b>5</b>	An individual counselling session provided by a counsellor who is a member in good standing of the B.C. Registered Psychologists Association or an equivalent association in another jurisdiction.	\$105
<b>6</b>	A group counselling session provided by a counsellor, irrespective of the education, training and experience of the counsellor.	\$15

[Provisions of the *Crime Victim Assistance Act*, S.B.C. 2001, c. 38, relevant to the enactment of this regulation: sections 3, 4, 9, 26 and 30]







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**Current Living Situation & Typical Daily Routine:**

Describe changes in circumstances regarding homelife, work, and leisure. Describe typical day, including self-care, eating and sleeping patterns, and daily activities.

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**Current Status of Treatment Plan:**

Describe what goals outlined in the treatment plan have been achieved and how you have measured that progress.

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**Treatment Provider Declaration**

I certify that I have personally assessed the claimant/client names above and to the best of my knowledge the information provided is accurate.

**Prepared by:** \_\_\_\_\_  
Print Name Signature

**Date:** \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Counsellor E-mail: \_\_\_\_\_

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**Appendix D: Sample Invoice Format**

**Invoice for Counselling Services**

**Date:** \_\_\_\_\_ **Invoice Number:** \_\_\_\_\_

**Counsellor Name:**

**Address:**

**Telephone:**

**Fax:**

**Email address:**

Session date	Claim Number	Claimant Name	Hours	Fee	GST

**Total Fee:** \_\_\_\_\_

\_\_\_\_\_

**Invoice for Reports**

**Date:** \_\_\_\_\_ **Invoice Number:** \_\_\_\_\_

**Counsellor Name:**

**Address:**

**Telephone:**

**Fax:**

**Email address:**

Report date	Claim Number	Claimant Name	Type of Report	Fee	GST

**Total Fee:** \_\_\_\_\_