



OFFICE OF CRIMINAL INJURIES COMPENSATION

DEPARTMENT OF THE ATTORNEY GENERAL

**Chief Assessor's Report
for the
Financial Year Ending 30 June 2007**



CRIMINAL INJURIES COMPENSATION

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STATUTORY REPORT - CRIMINAL INJURIES COMPENSATION 2006/07

The following is my report pursuant to section 62 of the *Criminal Injuries Compensation Act 2003* ("the Act") on the operation of the Office of Criminal Injuries Compensation for the financial year ending 30 June 2007.

During 2006/07:

\$22,139,302 was awarded in compensation,

1331 new applications were received,

1258 applications were accepted for processing,

1349 applications were finalised,

1221 compensation awards were made, at an average of \$18,132,

18 hearings were held into applications for compensation,

75 applications for compensation were refused.

The caseload was reduced by 109 to 565 current applications; and

\$1,244,917 of debt owed to the State was recovered.

STATISTICAL PROFILE

Year	2001	2002	2003	1 Jan 2004 30 Jun 2004*	2004/05	2005/06	2006/07
New applications received	1041	1021	1370	752	1441	1207	1331
Applications accepted	1017	1180	1307	453	1137	1180	1258
Rejected applications	**	**	**	297	1088	709	482
Resubmitted applications	***	***	***	***	784	645	409
Applications determined (granted and refused)	806	1090	1011	613	1400	1386	1296
Applications closed or discontinued	276	134	102	69	149	79	53
Applications outstanding at 31 December	1441	1238	1598	N/A	N/A	N/A	N/A
Applications outstanding at 30 June	N/A	N/A	N/A	1371 (June 2004)	956 (June 2005)	674	565

* The Act requires financial year report, previous requirement was calendar year.

** Statistics were kept from March 2004

*** Statistics were kept from July 2004

NEW APPLICATIONS RECEIVED

1331 new applications were received. On 482 occasions applications were returned to the applicant for further work and of the returned applications, 409 were resubmitted on at least one occasion. Of the initial applications received and returned to the applicant for further work, 64 were not ultimately registered.

NUMBER OF CLAIMS FINALISED

Year	2001	2002	2003	1 Jan to- 30 June 2004	2004/05	2005/06	2006/07
Granted	766	1062	951	566	1320	1277	1221
Refused	33	19	51	47	79	109	75
Discontinued	26	4	6	3	5	4	6
Closed	244	125	91	67	144	75	47
Total	<u>1069</u>	<u>1210</u>	<u>1099</u>	<u>683</u>	<u>1549</u>	<u>1465</u>	<u>1349</u>

Of the new applications registered, 66.13% were from applicants in the metropolitan area and 33.87% were from rural or regional parts of the State. WA Police statistics show that the origin of applications corresponds to the reporting of offences in the State; the Police statistics reveal that 64.4% of reported offences against the person in the period occurred in metropolitan WA and the balance of 35.6% occurred in the regions.

NATURE OF OFFENCES INVOLVED

The table below illustrates the types of offences for which awards were made.

TYPE OF OFFENCE	NUMBER
Assault with intent	4
Assault occasioning bodily harm	408
Assault of a public officer	95
Breach of restraining order	6
Burglary	33
Common/simple assault	126
Damage	9
Deprivation of liberty/unlawful detention	10
Dog Act offences	8
Escaping lawful custody	2
Extortion	0
Forgery and/or uttering	0
Fraud	1
Grievous bodily harm	73
Gross indecency	0
Hinder police	3
Do an indecent act in a public place	1
Kidnapping	0

Murder/Manslaughter	43
On premises without lawful excuse	3
Other	55
Resist arrest	11
Robbery	85
Serious assault	1
Sexual offences	146
Stalking	4
Stealing	6
Stealing from the person	0
Making a threat	5
Unlawful wounding	82
Wilful damage	1
TOTAL	1221

RANGE OF AWARDS

The table below illustrates the monetary range of awards made.

<u>AMOUNT OF AWARD</u>	<u>NUMBER</u>	<u>PERCENTAGE (%)</u>
\$0	128	9.49
Under \$2,500	83	6.15
\$2,500 - \$5000	174	12.90
\$5,001 – \$10,000	258	19.13
\$10,001 – \$20,000	296	21.93
\$20,001 – \$30,000	186	13.79
\$30,001 – \$40,000	82	6.08
\$40,001 – \$50,000	58	4.30
\$50,001 - \$75,000	72	5.34
Over \$75, 000	12	0.89
TOTAL	1349	100

PERCENTAGE OF MALES & FEMALES TO WHOM AWARDS WERE MADE

Male Adults	51.07%
Female Adults	31.65%
Male Children	7.64%
Female Children	9.64%

TYPES OF INJURIES

Bruising, Lacerations, Minor Injuries	27.7%
Head and Facial	18.9%
Other Bodily Injuries	16.2%
Mental and Nervous Shock	30.6%
Multiple Injuries & Scarring	6.6%

PRIMARY & SECONDARY VICTIM

Primary	1235 (91.5%)
Secondary	114 (8.5%)

REPRESENTATION

In person	46.2%
Solicitor	53.8%

INTERIM PAYMENTS

Funeral	2
Ambulance Transport	15
Dental Treatment	23
Travel Expenses	0
Personal Items	0

Treatment and Reports	106
Total	146

REFUSALS

Awards were refused on 75 applications, as outlined below:

Section of Act	Number	Reason for Refusal
9	1	Time expired, extension of time refused
10	1	Death of a person entitled to compensation
12	4	Assessor not satisfied applicant injured in the commission of a proved offence
13	11	Alleged offender acquitted
16	3	Alleged offence: charge not determined
17	18	Assessor not satisfied applicant injured in the commission of an alleged offence
29	1	Assessor's general discretion
31	1	Incident occurred before the compensation scheme commenced
35	11	Limitation of compensation for mental and nervous shock
36	2	No award if compensation likely to benefit offender
37	9	Injury caused by a motor vehicle
38	7	Applicant did not assist investigation, apprehension or prosecution of offender
39	4	Victim engaged in criminal conduct
41	2	Behaviour etc. of victim to be considered

FUTURE PAYMENTS PROVISION

Less than \$5000	187
\$5000 - \$10000	29
\$10001 - \$20000	12
\$20001 - \$30000	1
\$30001 - \$40000	0
\$40001 - \$50000	0
More than \$50,000	1
TOTAL	230

Provision was made in 2006/07 for future payments of \$800,880. Of this provision, \$85,127 has been paid in 2006/07.

The total provision for future payments made under the Act since 1 January 2004 is \$2,198,512 of which \$174,065 has been paid.

APPEALS

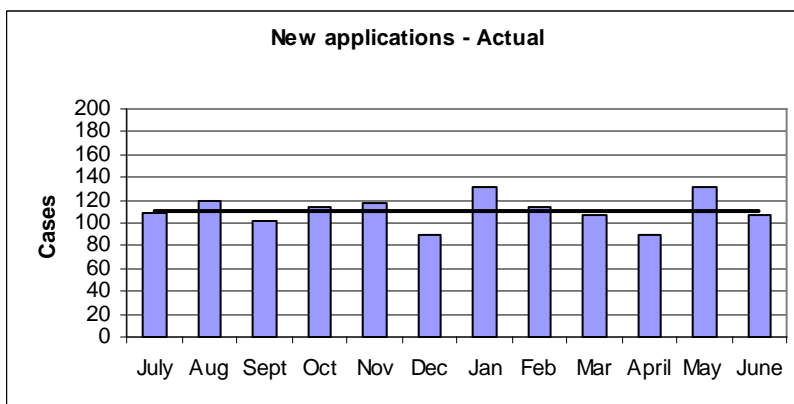
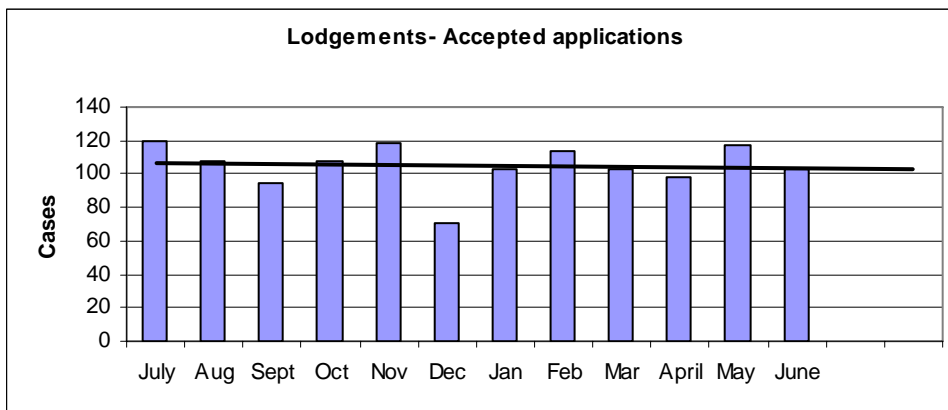
6 appeals were lodged against refusals of compensation and 27 appeals were lodged following the making of a compensation award. 51 appeals were finalised. Of these, 24 were successful, 11 were dismissed and 16 were discontinued.

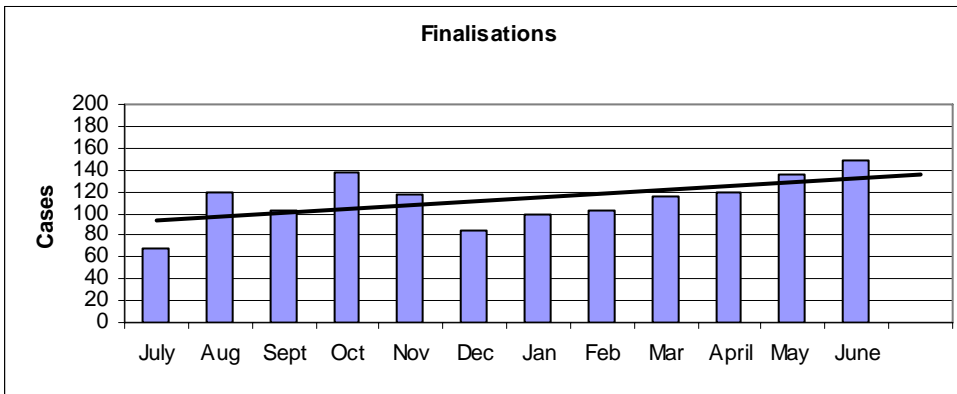
REDUCTIONS TO AWARDS FOR CONTRIBUTION

Section 41 of the Act requires that regard be had to “any behaviour, condition, attitude, or disposition of the victim that contributed, directly or indirectly, to the victim’s injury or death”, and allows the award to be refused or the amount of an award to be reduced in proportion to the contribution found to have occurred. Reductions for contributory behaviour, ranging from 10% to 40%, were made in 37 awards. Of these 26 awards were reduced by 20% or less and 11 awards were reduced by over 20%.

PERFORMANCE MEASURES

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	YTD
Lodgements-accepted	322	298	320	318	1258
New Applications-Actual	328	321	353	329	1331
Finalisations	289	340	317	403	1349
39 weeks & less	234	274	247	323	1078
52 weeks & less	14	27	29	30	100
> 52 weeks	41	39	41	50	171
Listings matters heard	4	4	5	5	18
Cases on hand	687	653	650	565	565
< 39 weeks	523	502	501	428	428
< 52 weeks	41	31	42	49	49
> 52 weeks	123	120	107	88	88
Applications New & Resub	437	432	450	421	1740
Applications Rejected	115	134	130	103	482
Resubmitted	109	111	97	92	409





ASSESSMENT TIME

The average time taken to assess an application was 4.9 months, a reduction from the average of 5.3 months in the previous year.

OUTSTANDING APPLICATIONS

At 30 June 2007, 565 applications were outstanding, a decrease of 109 over the preceding 12 months. The breakdown of the age of the cases on hand in the table below shows that the number of files which have been in the Office for more than 12 months continues to decline, in line with the reduction in the average processing time. The proportion of the caseload represented by applications which have been in the Office under 9 months has remained constant at around 75% at June 2007. The proportion of cases aged over 9 months has increased slightly, while the proportion aged over 12 months has decreased.

FINALISATION STATISTICS

Cases on hand	Under 9 months	9 to 12 months	Over 12 months
2006/07	428 (75.75%)	49 (8.67%)	88 (15.58%)
2005/06	506 (75.07%)	28 (4.15%)	140 (20.78%)
2004/05	631 (66.00%)	75 (7.85%)	250 (26.15%)
2004			
At 30/06/2004	703 (51.28%)	215 (15.68%)	453 (33.04%)
2003 Annual figure			
At 31/12/03	905 (56.6%)	183 (11.5%)	510 (31.9%)

Consistent with the overall reduction in the caseload, the number of files aged less than 9 months fell by 78 to 428, while the number of files aged over 9 months was reduced by 31 to 137.

PROVISION OF REASONS

An Assessor is required to give written reasons for the making of an award when requested to do so, and in all cases where the making of an award is refused. Where an Assessor forms the view that by reason of the operation of the legislation an applicant is ineligible for compensation, the applicant may be advised in writing by letter of the reasons for that outcome, rather than in formal written reasons. Formal reasons for decision have been provided in 56 cases and, in total, reasons have been provided in 81 cases, a significant reduction from the previous year. The table below sets out the breakdown of these reasons.

	FORMAL REASONS AWARD	FORMAL REASONS REFUSAL	INFORMAL REFUSAL LETTER	SUPPLEMENTARY REASONS FOR DECISION	TOTAL
2007	54	2	25	0	81
2006	83	8	30	0	121
2005	64	15	31	0	110
2004*	26	15	32	0	73
2003	45	14	37	0	96
2002	77	6	7	1	91

***for 6 months to June 2004**

Formal reasons for decision are published on the Supreme Court Judgement Processing System, from which a link makes the decisions available on the internet through the Austlii legal research website and via the Department of the Attorney General website.

RECOVERY OF DEBT

A Compensation Reimbursement Order to recover the amount of an award from a convicted offender may be sought on the instructions of the Chief Executive Officer of the Department of the Attorney General.

	2002	2003	2004	2005	2006	2007
Number of Applications	124	568	203	390	262	332
Number of Orders made	115	508	172	356	229	312

There was an increase in the number of applications made for Reimbursement Orders and a decrease in the value of recovered debt. This year \$1,244,917 of debt owed to the State was recovered which is a decrease of around 11% on the previous year's recovery total of \$1,407,133. The amount recovered however was \$51,917.00 over expected budget provision.

HUMAN RESOURCES

Staffing in the Recoveries Office has been a regular concern, and this Office has had difficulty in maintaining full strength during the year. There is no ability effectively to process the large and increasing caseload (see table below) with the current staff. Priority is given to the commencement of recovery on new compensation awards. No work is being undertaken to address the volume of old files which represent significant debt owed to the State by offenders.

Cases on Hand	Status	Approximate Debt Outstanding
5797	Pended – The majority of these cases have not been subjected to the full recovery process due to limited human resources.	\$57.5 million
1455	Open active cases (OAC). In 1398 of the OAC recovery staff have negotiated an agreement or an order has issued for periodic payment and/or a negotiated lump sum payment.	\$14.5 million

An application was finalised in January 2007 for additional staff to target the caseload of old matters. As a result of the application, an audit of the Office was conducted between April and September 2007, the results of which confirm the need for additional staff in the recoveries area. It is to be hoped that these resources will be made available in the near future.

Temporary agency secretarial staff were hired on a number of occasions at a cost of \$21,978.00 over the 2006/07 period. The table below sets out cost of agency staff in recent years.

	2002/03	2003/04	2004/05	2005/06	2006/07
Budget provision	Nil	\$5,000.00	\$25,382.00	\$21,665.00	\$29,500.00
Expenditure	\$20,105.00	\$5,718.00	\$15,299.00	\$33,251.00	\$21,978.00

On 11 April 2007 approval was given to transfer the temporary staff budget to the provision of a permanent Level 2 Secretary at 0.66 FTE. Recruitment has been completed and the successful applicant for this post commenced early in the new financial year.

ACCOMODATION

On the weekend of 6 July 2007 the Office of Criminal Injuries Compensation moved to newly refurbished space in International House. The move was achieved with very minimal disruption to the operation of the Office, thanks to the efforts of all the staff and the work of the many contractors and service providers, both from within government and from private businesses. The new office space has been designed to accommodate the Office well into the future, and provides high quality facilities for staff and visitors.



H L Porter
CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION

27 September 2007