



# **OFFICE OF CRIMINAL INJURIES COMPENSATION**

DEPARTMENT OF THE ATTORNEY GENERAL

WESTERN AUSTRALIA

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**Chief Assessor's Report**  
**2007/2008**

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## CRIMINAL INJURIES COMPENSATION

The Honourable C C Porter, MLA  
Attorney General of Western Australia  
29<sup>th</sup> Floor, Allendale Square  
77 St Georges Terrace  
PERTH WA 6000

Dear Attorney General

### **STATUTORY REPORT - CRIMINAL INJURIES COMPENSATION 2007/08**

Pursuant to section 62 of the *Criminal Injuries Compensation Act 2003* I submit my report on the operation of the Office of Criminal Injuries Compensation for the year ending 30 June 2008.

Yours faithfully

A handwritten signature in black ink that reads "Helen Porter".

**H L Porter**  
**CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION**

30 September 2008

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## OVERVIEW

The Office of Criminal Injuries Compensation is established pursuant to the *Criminal Injuries Compensation Act 2003* (the Act) to compensate victims for injuries suffered as a consequence of an offence. Compensation can be awarded for bodily harm, mental or nervous shock, or pregnancy, resulting from an offence. Compensation may cover pain and suffering, loss of enjoyment of life, loss of income and medical expenses. The maximum amount payable to victims is \$75,000 for an offence committed in Western Australia after 1 January 2004 and lesser amounts for offences prior to that.

## STAFF

The staff of the Office consists of 3 full time assessors and 13.6 full time equivalent administrative employees, including staff working on recovery of the value of awards from convicted offenders (the Recoveries Office). The staffing resources of the Recoveries Office is of continuing concern and has impacted on the ability of the Office to recover the debt owed by offenders to the State.

## ACCOMMODATION

In July 2007 the Office relocated to newly refurbished premises in International House, 26 St Georges Terrace, Perth. The move was achieved with 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 from within government and from private businesses. The new offices have been designed to accommodate the Office well into the future, and provide high quality facilities for staff and visitors.

## KEY DATA

During 2007/2008,

1342 new applications for compensation were received.

1287 applications were accepted for processing.

1263 applications were finalised.

1147 awards were made totalling \$21 633 292, at an average of \$18 860 per award.

76 applications were refused.

21 hearings were held into applications for compensation.

The caseload increased by 32 to 597 applications on hand.

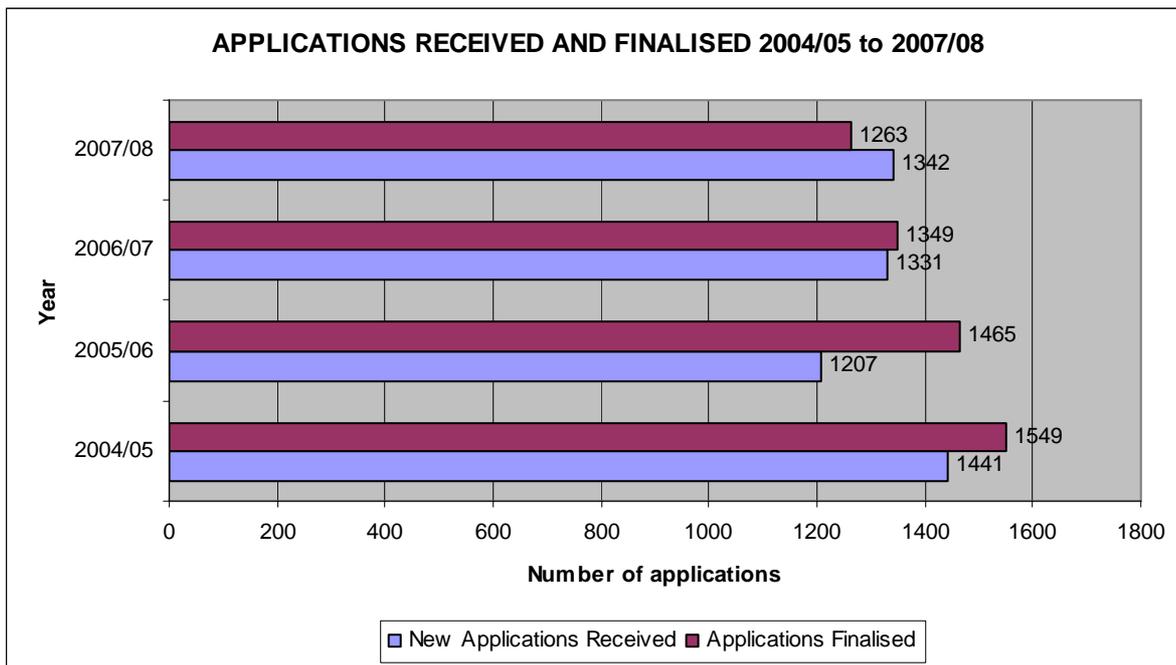
\$1 222 296 of debt owed to the State was recovered.

## STATISTICAL PROFILE

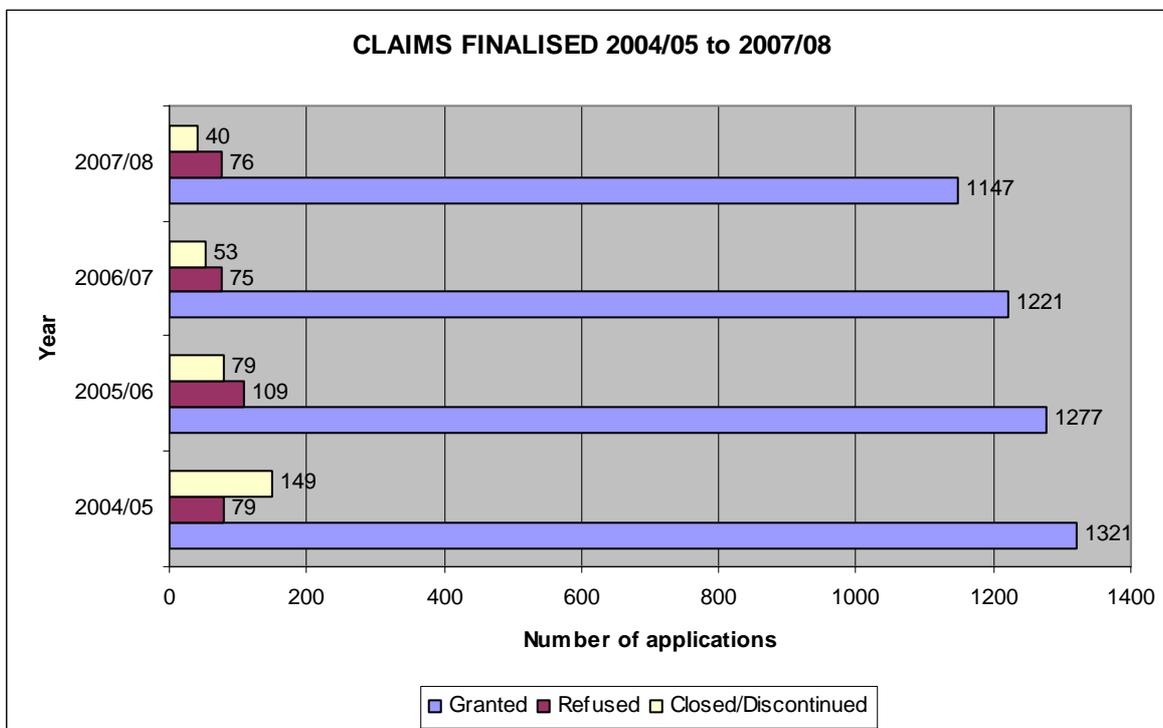
<u>Year</u>	<u>2004/05</u>	<u>2005/06</u>	<u>2006/07</u>	<u>2007/08</u>
New applications received	1441	1207	1331	<b>1342</b>
Accepted applications	1137	1180	1258	<b>1287</b>
Rejected applications	1088	709	482	<b>422</b>
Resubmitted applications	784	645	409	<b>367</b>
Awards granted	1321	1277	1221	<b>1147</b>
Applications refused	79	109	75	<b>76</b>
Applications closed or discontinued	149	79	53	<b>40</b>
Applications outstanding at 30 June	956	674	565	<b>597</b>

## NEW APPLICATIONS RECEIVED

During 2007/08 new applications totalling 1342 were received. On 422 occasions applications were returned to the applicant for further work and of the returned applications 367 were resubmitted on at least one occasion.

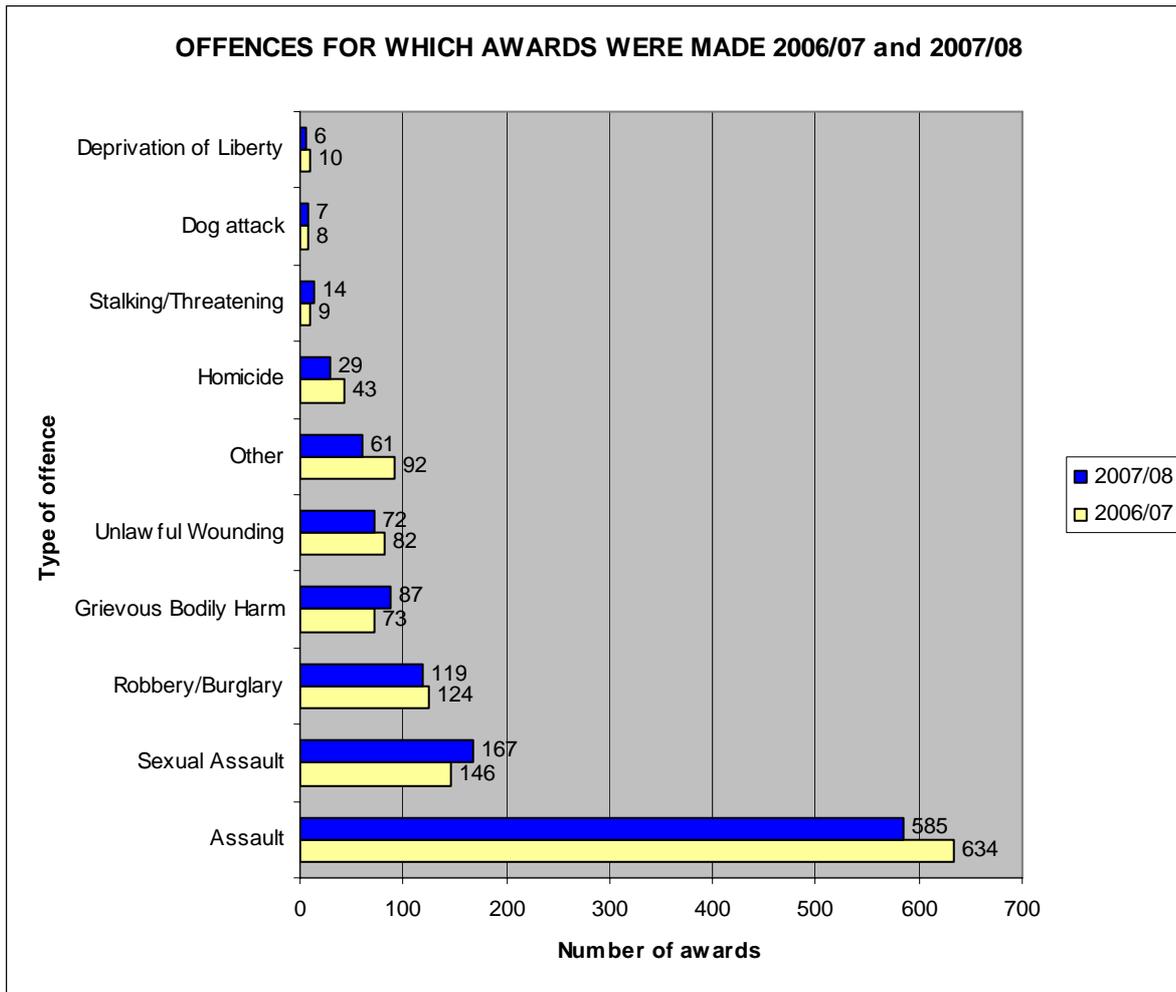


## CLAIMS FINALISED



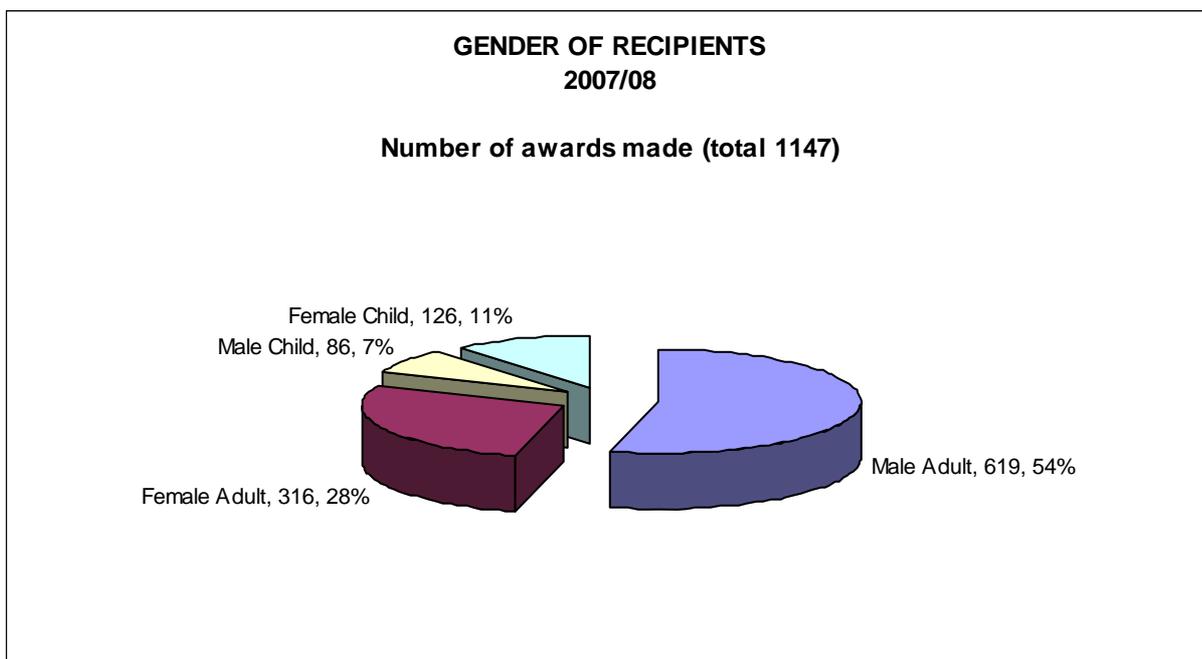
## NATURE OF OFFENCES INVOLVED

The chart below illustrates the types of offences for which awards were made during 2006/07 and 2007/08.



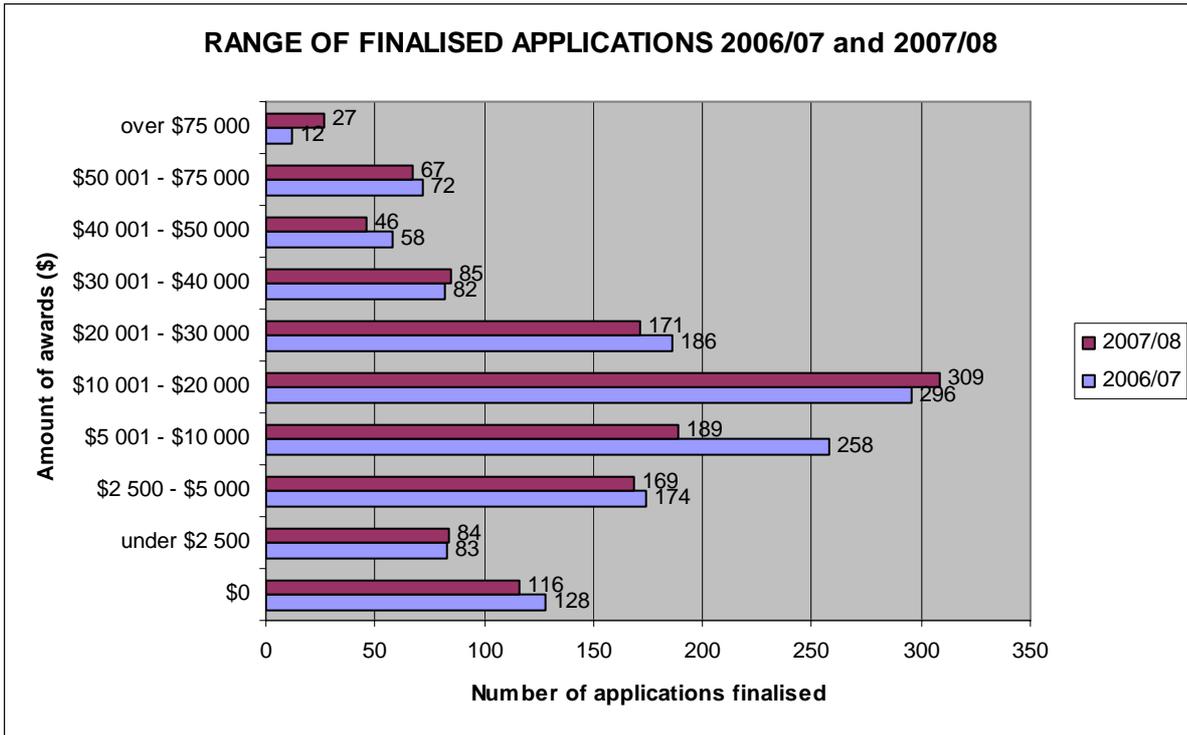
## NUMBER OF MALES & FEMALES TO WHOM AWARDS WERE MADE

The following chart shows the gender of persons to whom awards were made and the number of adults and children involved.

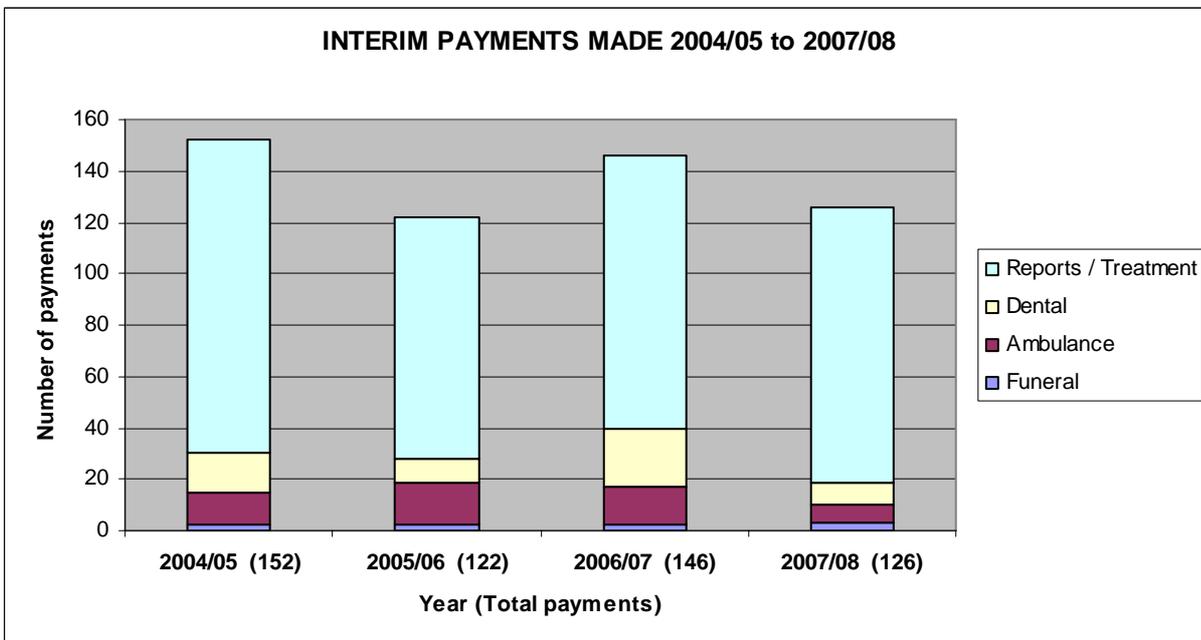


## RANGE OF FINALISED APPLICATIONS

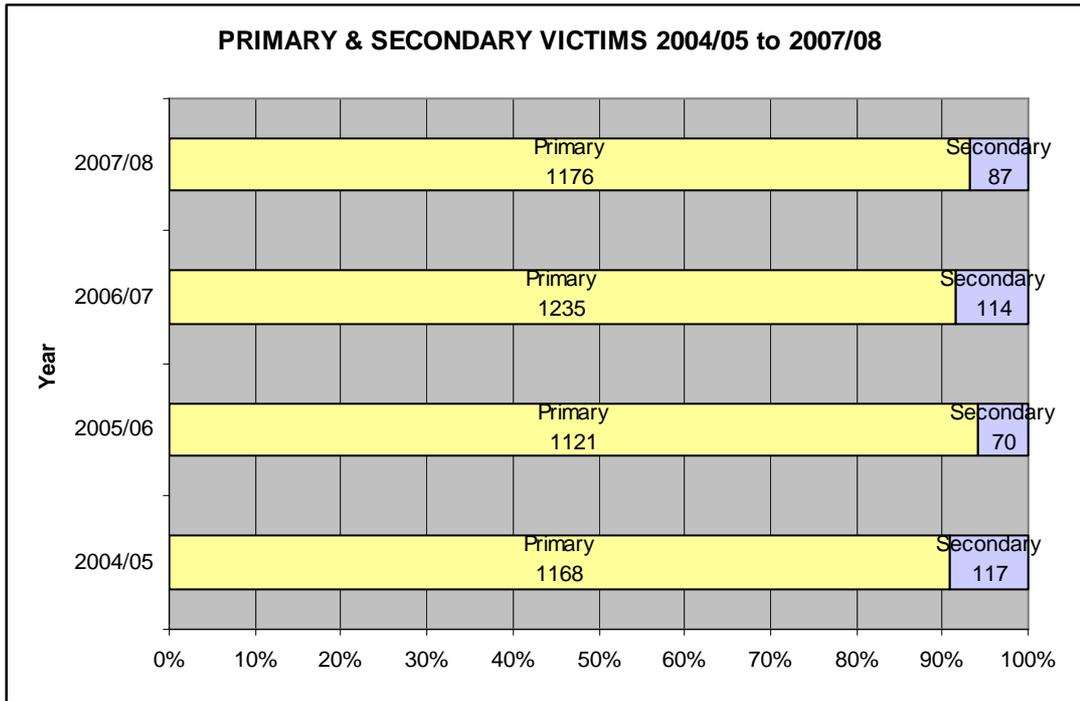
The chart below illustrates the monetary range of applications finalised during 2006/07 and 2007/08.



## INTERIM PAYMENTS

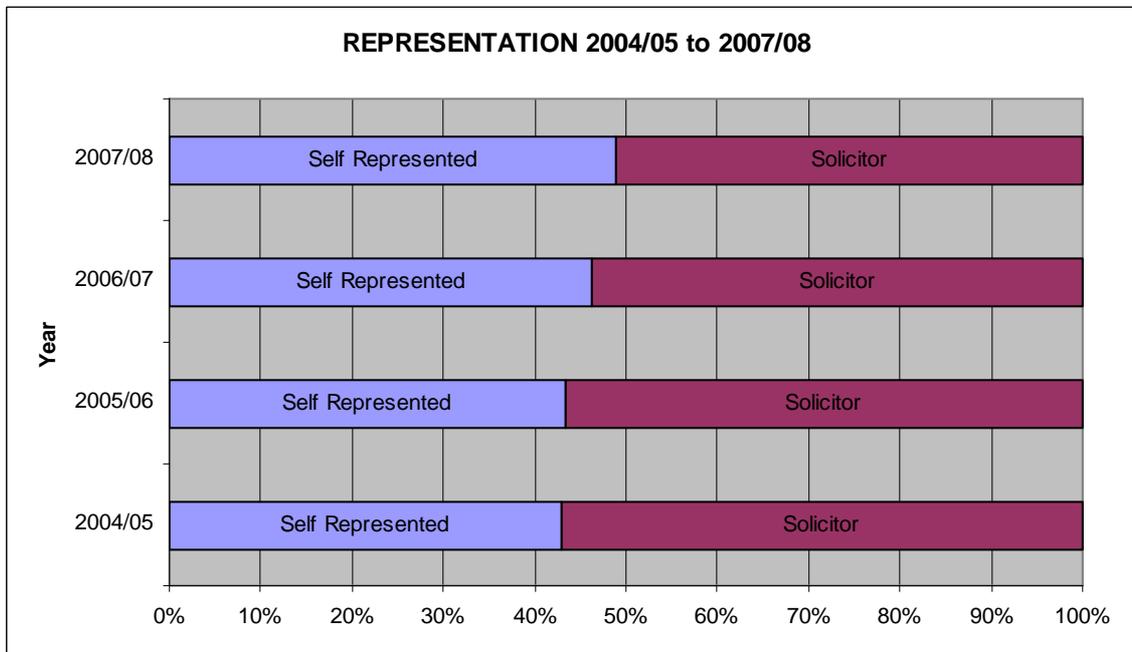


## PRIMARY & SECONDARY VICTIMS



## REPRESENTATION

There has been an increasing trend towards self representation by applicants for compensation, from 43% in 2004/05 to almost 49% in 2007/08.

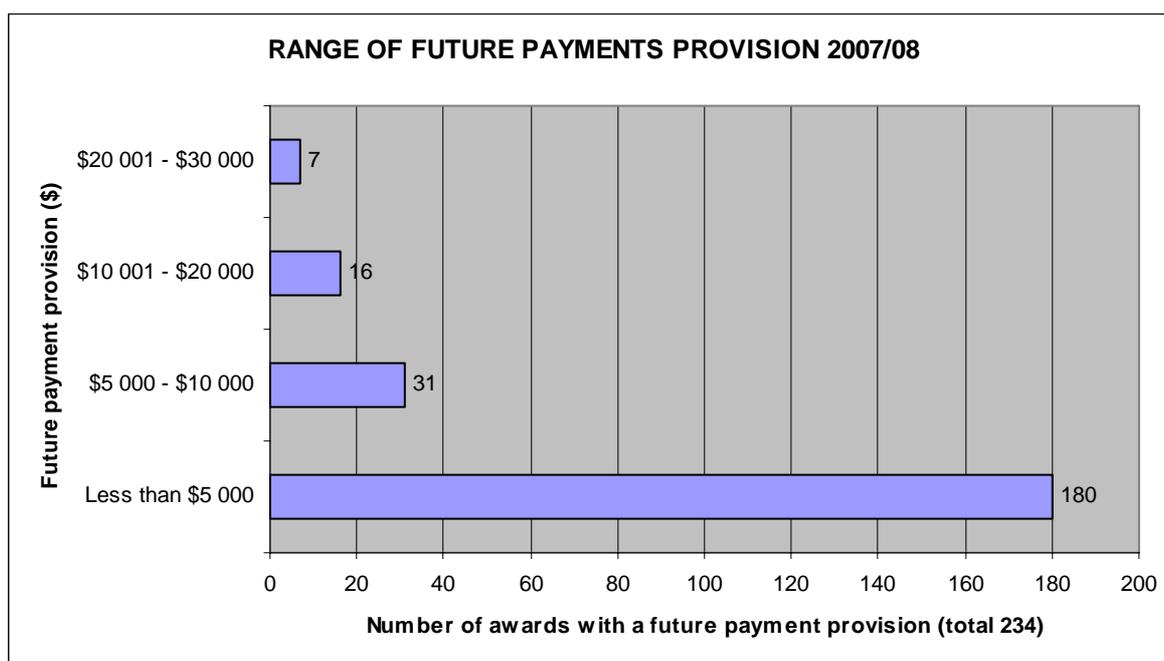


## REFUSALS

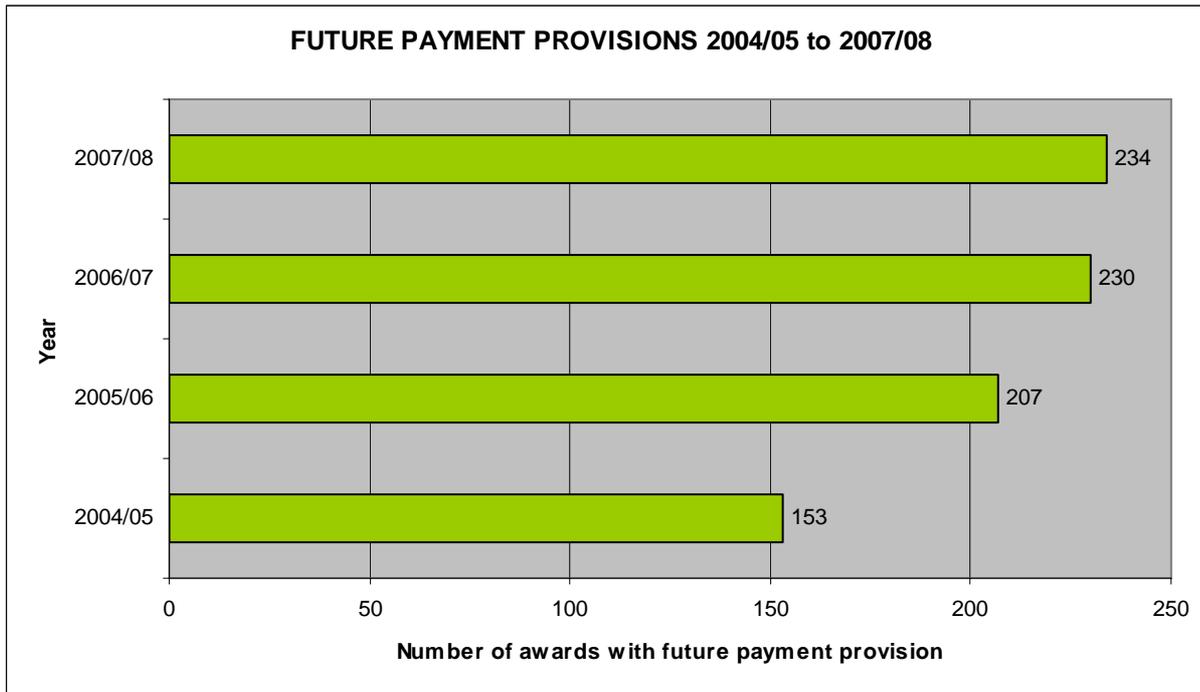
Awards were refused on 76 applications for reasons detailed below:

Section of Act	No of Refusals	Reason for Refusal
9	6	Time expired, extension of time refused
12	2	Assessor not satisfied applicant injured in the commission of a proved offence
13	19	Alleged offender acquitted
16	5	Alleged offence, charge not determined
17	18	Assessor not satisfied applicant injured in the commission of an alleged offence
35	2	Limitation of compensation for mental and nervous shock
37	4	Injury caused by a motor vehicle
38	8	Applicant did not assist investigation, apprehension or prosecution of offender
39	9	Victim engaged in criminal conduct
40	1	Compensation already awarded or refused
41	1	Behaviour etc. of victim to be considered
42	1	Insurance payment etc to be deducted from award

## FUTURE PAYMENTS PROVISION



Provision was made in 2007/08 for future payments of \$913,484, increasing the total provision made under the *Criminal Injuries Compensation Act 2003* since 1 January 2004 to \$3,111,996. Of this provision, \$99,399 was paid out in 2007/08 bringing the total paid to \$273,464.



## APPEALS

During the year 27 appeals were lodged with the District Court following the determination of a compensation application. 55 appeals were finalised and of these 19 were successful, 11 were dismissed, 10 were abandoned and 15 were discontinued.

## REDUCTIONS TO AWARDS FOR CONTRIBUTION

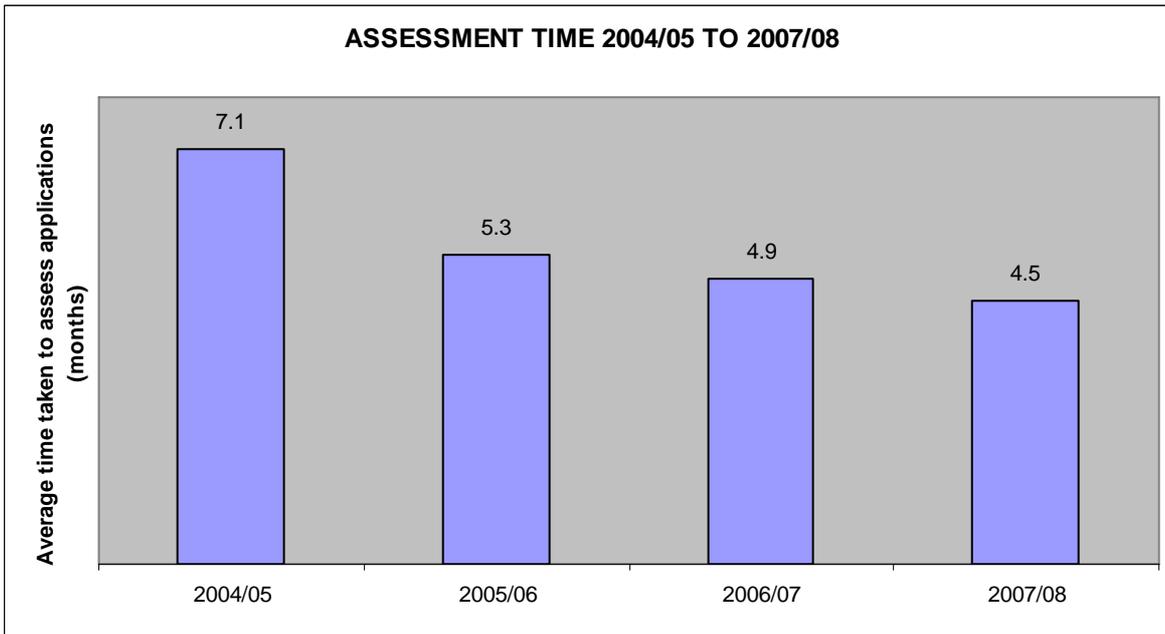
Section 41 of the Act requires that regard be had to “any behaviour, condition, attitude, or disposition of the victim that contributed, directly or indirectly, to the victim’s injury or death”, and allows the award to be refused or the amount of an award to be reduced in proportion to the contribution found to have occurred. Reductions for contributory behaviour, ranging from 5% to 60%, were made in 37 awards. Of these 25 awards were reduced by 20% or less and 12 awards were reduced by over 20%.

## PERFORMANCE MEASURES

	Sep 07 Qtr	Dec 07 Qtr	Mar 08 Qtr	Jun 08 Qtr	Annual
Lodgements accepted	313	321	303	350	1287
New applications	328	320	328	366	1342
<b>Finalisations</b>	<b>246</b>	<b>310</b>	<b>375</b>	<b>332</b>	<b>1263</b>
39 weeks & less	208	261	308	261	1038
39 to 52 weeks	16	17	29	35	97
More than 52 weeks	22	32	38	36	128
Listings matters heard	2	10	4	5	21
<b>Cases on hand</b>	<b>638</b>	<b>654</b>	<b>561</b>	<b>597</b>	<b>597</b>
Less than 39 weeks	489	492	404	451	451
39 to 52 weeks	34	47	57	35	35
More than 52 weeks	115	115	100	111	111
Applications New & Resub	430	415	403	461	1709
Applications Rejected	117	94	100	111	422
Applications Resubmitted	102	95	75	95	367

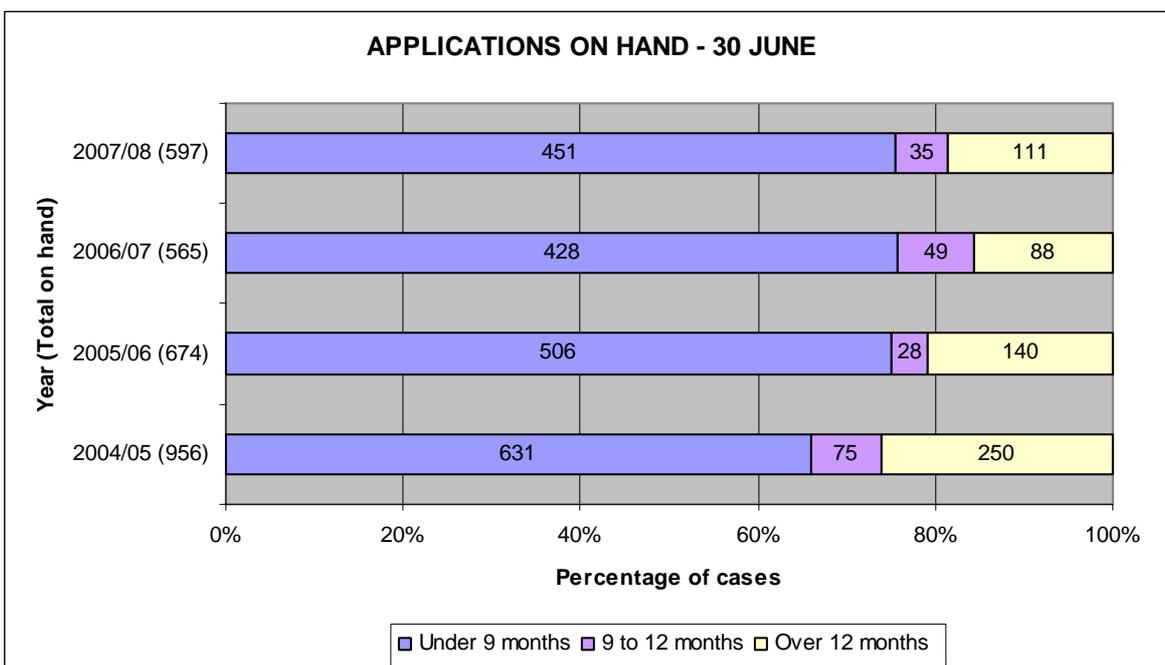
## ASSESSMENT TIME

The average time taken to assess an application during 2007/08 was 4.5 months, a reduction from the average of 4.9 months in the previous year.



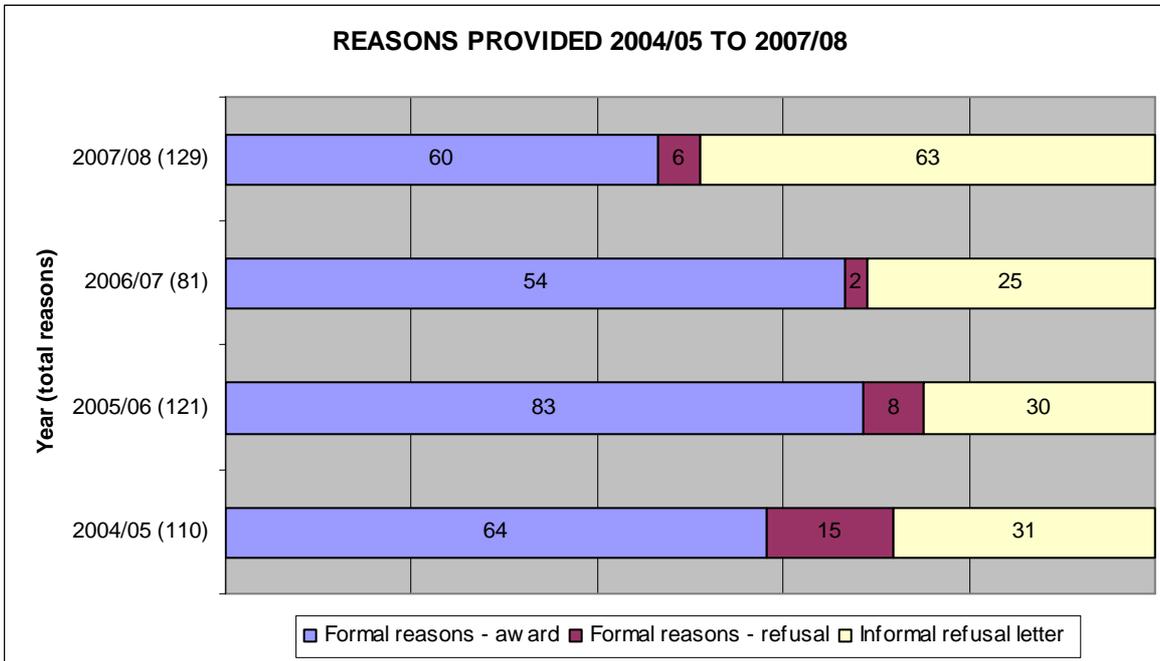
## OUTSTANDING APPLICATIONS

At 30 June 2008, 597 applications were on hand, an increase of 32 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 has increased slightly. The proportion of the caseload represented by applications which have been in the Office under 9 months has remained constant at around 75%. The proportion of cases aged over 9 months has decreased while the proportion aged over 12 months has increased. The number of files aged less than 9 months increase by 23 to 451 while the number of files aged over 9 months increase by 9 to 146.



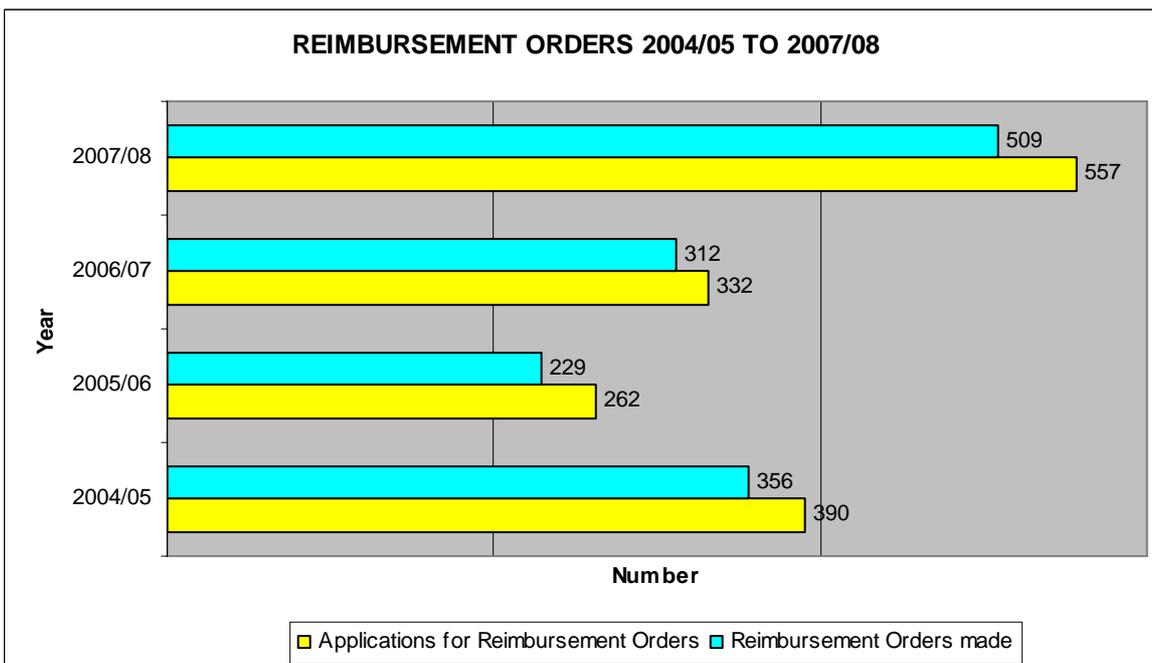
## PROVISION OF REASONS

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 66 cases and, in total, reasons have been provided in 129 cases, a significant increase from the previous year. The chart below sets out the breakdown of these reasons.



## 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.



There was a significant increase in the number of applications made for Reimbursement Orders and a small decrease in the value of recovered debt. This year \$1,222,296 of debt owed to the State was recovered compared to last year's total of \$1,244,917.

## **ACKNOWLEDGEMENTS**

Thank you to my fellow assessors and the management and staff of the Office of Criminal Injuries Compensation and the Department of the Attorney General for their valuable assistance and support. I would also like to acknowledge the contributions of those external agencies that provide assistance to the Office of Criminal Injuries Compensation.

A handwritten signature in black ink that reads "Helen Porter". The signature is written in a cursive, flowing style.

**H L Porter**  
**CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION**

30 September 2008