



Department of Justice
Criminal Injuries Compensation

**GUIDE TO COMPLETING THE CRIMINAL INJURIES COMPENSATION
APPLICATION FORM 1**

How do I obtain an application form?

Post: You may write to the Criminal Injuries Compensation, GPO Box F317 PERTH WA 6841.

Telephone: You may call the office on 08 9425 3250.

Online: You may visit the Department of Justice website www.courts.justice.wa.gov.au.

How do I lodge my application?

Email: criminal.injuries@justice.wa.gov.au

Post: GPO Box F317 PERTH WA 6841

In person: Level 10, Golden Square, 32 St Georges Terrace PERTH WA 6000

Please keep a copy of all documents submitted with your application as the Office of Criminal Injuries (OCIC) maintains electronic records and paper copies will be destroyed after finalisation of your application. Please submit the application and any correspondence by one method only, it is not necessary, for example, to email and post the documents.

Please do not send your copy of this Guide with your application form.

The *Criminal Injuries Compensation Act 2003* (the Act) provides for victims of crime to be compensated for injuries and some associated losses.

If you suffered;

- physical injury;
- psychological harm (called mental and nervous shock);
- pregnancy;
- pain, suffering and loss of enjoyment of life;
- loss of earnings or the capacity to earn an income because of your injuries;
- medical expenses you have incurred or will incur in the future;
- travel expenses incurred attending for medical treatment;
- damage to some personal items; or
- funeral expenses for the deceased, or loss of financial support to close relatives by the deceased, where a person died as a result of the offence;

as a consequence of an offence you are eligible to apply for compensation under the Act. Compensation can include the cost of reports from doctors, psychologists and counsellors to support your claim. Claims are determined by Criminal Injuries Compensation Assessors.

There are two application forms:

Form 1 is for claims for compensation for injury, including psychological harm.

Form 2 is for claims arising from the death of a close relative, where compensation is sought for funeral expenses or the loss of financial support of the deceased. You may apply for both types of compensation arising from the same incident.

HOW TO COMPLETE FORM 1

PART A: Questions 1 to 5

Questions 1 to 5 asks you to identify the applicant and any person assisting the applicant to make the claim. As the OCIC operates in an electronic environment, please provide your email address for communication wherever possible.

Question 1: Please indicate whether you are claiming for injury, or loss caused by a death, or both?

Question 2: If the person who was injured is:

- a) Under 18 years when the application is being made, the application must be made on behalf of the child by a parent or a person acting in place of a parent, such as a grandparent, foster parent, etc. Even if the application is being prepared and lodged by a lawyer, it must still be signed at Part D by the parent/person acting in place of a parent.
- b) A represented person under the *Guardianship and Administration Act 1990*, the application may be commenced by the person's guardian or administrator. Even if the application is being prepared and lodged by a lawyer, it must still be signed at Part D by the guardian or administrator.

Question 3: Provide the identification details *of the person who was injured*.

Question 4: If you are lodging the application on behalf of a child or a represented person, provide *your* details here.

Question 5: Include the details of the lawyer who is lodging the application.

PART B: Questions 6 to 22

In this section you need to provide information about the incident for which you are claiming compensation. Please provide as much information on the form as you know or can find out. If your application relates to more than one incident, please complete a **separate Part B page** for each incident.

Questions 6 and 7: An application for compensation must be made within three years of the date of the offence or, if there were multiple offences committed by the same offender, within three years of the date of the last offence. If the application is not lodged within that time, you must provide a signed, dated statement applying for an extension of time. In the statement you need to explain why the application is late and why you think an extension of time should be granted. You can include information about your personal circumstances, the length of delay, how long the court case took to finalise or any other information you think is relevant.

Question 8: Compensation is only available if the incident occurred in WA so you need to specify where it happened, eg Rockingham, Brown St Albany, etc.

Question 9: If the injuries were work related you need to consider whether you have a workers' compensation claim before you can claim criminal injuries compensation. Before you submit your application, please finalise your workers' compensation claim and provide details of the claim with your application including a copy of any agreement reached with your employer/insurer. If you have not made a workers' compensation claim, an Assessor may require you to pursue a workers' compensation claim before your claim for criminal injuries compensation can progress.

Question 10: If you suffered injury as a result of an offence involving a motor vehicle you may be eligible for or have received compensation from the Insurance Commission of WA (ICWA). Before you submit your CIC application, please finalise your ICWA claim and provide details of the claim with your application, including a copy of any agreement reached with ICWA. If you have not made a claim, an Assessor may require you to pursue your entitlements before your claim for criminal injuries compensation can progress.

Question 11: Please provide a brief description of the type of offence (eg assault, sexual offences, robbery) for which you are claiming. If there was more than one offence committed, please list all offences.

Question 12: Please attach a copy of the statement you made to the police (if any). If you do not have a copy, you can request one from the police station where the incident was reported. It is preferable if the copy provided has been signed and dated by you. If you did not make a statement to the police, please provide a signed, dated statement setting out what happened.

Questions 13 to 22: This section asks for information about the offender/s, the police investigation and the prosecution of any person who was charged as a result of the incident. Please provide as much information as you know or are able to find out. In particular, if you know the name of the offender, please provide that information at question 15. The police officer responsible for the investigation may be able to give you information. Do not lodge your claim until the police have finalised their investigation and/or the prosecution of the offender/s has been completed, apart from the circumstances listed at question 23. To prevent time running over the three year limit, you may submit the application before then to preserve the time limit, but it may be returned to you for re submitting when the investigation or court case has been completed.

Question 13: Please state whether the incident has been reported. If a report was not made, please provide a signed and dated statement explaining why it was not reported.

Question 14: The incident report number is usually given to the victim or witness by the police when the incident was reported. Usually the police officer will give you a piece of paper with the number on it. If you know this number, include it here.

Question 15: If you know the name of the offender/s, please provide the name/s in this section. If you do not know the name of the offender/s, you may be able to obtain this information from the police. If the offender is unknown and/or police are not able to provide you with the name of the offender (eg the offender was a juvenile), please write “unknown” in this section.

Question 16: If you know the current address of the offender/s, please list the address(es) in this question. If you do not know, please write “unknown”.

Question 17: Your claim cannot be processed until the police investigation is finalised. Please wait until the investigation has been completed before you lodge your application. If you submit your application prior to the finalisation of the investigation, the OCIC will note the date of lodgement and return the application to you so that it can be resubmitted after the investigations/court case has been finalised.

Question 18 to 21: Please state if any person/s has been charged for an offence arising out of the incident. Please wait until the prosecution has been completed until you lodge your application. Please state the Court where the matter was heard, the outcome and the date of the outcome. If you do not know these details, please contact the investigating officer who should be able to provide them.

Question 22: Sometimes the Magistrate or Judge may order restitution or compensation to be paid to the victim of an offence. If you have been awarded restitution or compensation by the Court, please advise how much was ordered and how much you have received at the time of making the application.

PART C: Questions 23 to 37

This section seeks information about the type/s of compensation you are claiming. It asks for information about the injuries you suffered, where and by whom you were treated, and what expenses you incurred for your treatment. If you were not injured in the commission of an offence, compensation is not available unless you are applying following the death of a close relative, use **Form 2** for this claim.

Question 23: Please tell us if you wish to apply for an interim payment. You will also need to give information about the expense/s at Questions 26 and 27. An interim payment (up to \$2,250) is a payment made before your claim is finalised. This can be for reimbursement of expenses already paid by you or someone else on your behalf such as your parent, or for expenses that will be incurred before your claim can be finalised, such as for medical report fees and treatment costs. An interim payment cannot be paid for loss of earnings. You can also apply for an interim payment for the cost of the funeral of the deceased which was incurred by a close relative, use **Form 2** for this claim.

If you are claiming an interim payment before the completion of the investigation or prosecution of the offence, please provide as much information in Part B as you can about the investigation and prosecution. The Assessor must be satisfied an offence has occurred before approving an interim payment. If you are making a claim for expenses yet to be incurred (eg treatment cost or report fees), you must provide a report or letter from a health care professional setting out the treatment required as a result of the offence and an estimate of the cost.

As compensation only covers the 'gap' expense, you must submit accounts to Medicare, and your private health insurer if you have one, before submitting them to the OCIC.

The maximum interim payment *for expenses* which can be approved on your application is **\$2,250** for an incident on or after 1 January 2003, and lesser amounts for incidents before that date. An interim payment cannot be approved for loss of earnings. An assessor may also approve an interim payment for funeral expenses for "such reasonable amount" as she or he decides, use **Form 2** for this claim.

Question 24: Please provide a signed and dated statement setting out the impact of the incident and your injuries on you. The statement may include the psychological as well as the physical impact of the incident and your injuries. If you made a victim impact statement for the Court when the offender was dealt with, a copy of this may be provided. If the Court victim impact statement is out of date, please provide an updated statement.

Question 25: You need to provide independent evidence to establish the injury you suffered. To do this you can provide a report from your doctor or psychologist, the hospital notes or discharge summary, or a report from the dentist in the case of damage to teeth. Please list the details of any health care provider you have seen to treat injuries sustained in the incident. If you did not consult any health care provider, please provide a signed and dated statement explaining why you did not seek treatment.

Question 26: Your health care provider/s may charge a fee for providing a report and you are entitled to claim reimbursement of that cost. Please list the details and cost of the report/s in the space provided. You can also claim reimbursement of the fee for a report you have already paid for as an interim payment, by providing the details in the space provided. Please ensure you tell us to whom the payment should be made.

Question 27: If you have not yet obtained the report and wish to apply for an interim payment for the cost, provide the details requested and attach an invoice/quote.

Question 28: If you wish to claim travel expenses incurred when attending for treatment, including ambulance fees and parking costs, please complete the table and enclose accounts and receipts for ambulance, bus, train or taxi fares. If you have private health insurance, please claim any available rebate for the ambulance transport before submitting the application and enclose the rebate documents. If you are entitled to any discount for the cost of the ambulance (for example if you are in receipt of Centrelink benefits), please advise St John Ambulance and obtain an account for the reduced amount. If there is insufficient space to complete the travel expenses table, please attach a separate page.

Question 29: If you wish to claim the cost of treatment of your injuries, you must first claim through Medicare and your private health insurer. Compensation is payable for the gap or balance of the expense after these claims have been made. Accounts, receipts and rebate documents for the cost of the treatment listed in the table at question 29 must be included with the application. Attach a separate sheet if there is not enough room, and please enter the items in date order.

Question 30: You can claim an interim payment for the cost of treatment already incurred. Please complete the table using the reference number on the left of the table in question 29 for each item for which you want an interim payment, and telling us who should receive the payment, either yourself, the health care provider or a person such as a parent who paid the account on your behalf.

Question 31: You may apply for an interim payment for treatment you will need to have before your application can be finalised. Please ensure the reports you have provided at Question 26 confirm your need for the treatment, and include an estimate of the cost and any available Medicare or private health insurance rebates.

Please complete Question 37 to claim treatment expenses you are *likely to need in future* but will not incur before the application for compensation is finalised.

Questions 32 to 35: Compensation is available for net, personal loss of income caused by the injury sustained in the incident. Please submit detailed information about your claim including the period for which you are claiming loss of earnings, the hours and dates of work missed, your gross and net rate of pay, details of any paid leave entitlements used during your period of incapacity, details of any Workers' Compensation or Centrelink payments paid to you during your incapacity and details of any other compensation or insurance you may have received, for example from an income protection insurance policy. If you were an employee at the time of the incident, please provide a letter from your employer verifying the details requested above, and copies of your payslips covering 6 weeks before the incident and for the period of incapacity you are claiming. You may also be required to submit copies of tax returns and assessments, depending on your circumstances.

If you were self-employed you will need to provide copies of financial documents to establish your personal net loss of earnings suffered as a consequence of your injury. These documents may include copies of tax returns and assessments, business profit and loss statements, and invoices and accounts to demonstrate your pre and post-incident net earnings.

Question 32: This question asks whether you are claiming for actual loss of earning, or whether you claim that your injuries have reduced your earning capacity now or in the future, such as by preventing you from working in certain environments, or from working at the type of job you were able to do before the incident. You may claim for both types of loss.

Question 33: If your claim is for loss of earning capacity, give a detailed explanation of how your injury has affected or will affect your earning capacity now or in the future. It is of assistance to have an opinion of your health care professional/s about your earning capacity, see question 26. If the injury was sustained when the applicant was a child, copies of school, TAFE or University reports and results certificates may assist to determine lost earning capacity.

Question 34: You are entitled to compensation for the *net* loss of earnings you suffered. For this reason, you must declare all income or payments in lieu of earnings such as from paid leave entitlements, insurance claims, Centrelink benefits, workers' compensation payments and etc. Please provide documents to establish the amounts you received when unfit for work.

Question 36: Compensation is available for damage to some personal items worn by the applicant at the time of the offence if damage was caused by the commission of the offence. This includes clothing or footwear, spectacles, (not sunglasses unless prescription), hearing aids, artificial limbs and surgical implants. Compensation is for the value of the item at the date of the offence, not for the replacement cost. Please note that compensation is not available for items lost or stolen during the incident, retained by police for evidence, or for loss or damage to other types of property such as wallets, mobile phones and cash.

Question 37: If it is likely you will need treatment in the future, an allowance for this can be part of the award. You must provide a report from your health care provider setting out the nature and likely duration of the treatment. You must give information about any Medicare or private health insurance rebates which may be available and you will be required to claim all available rebates before applying for payment out of the part of the award set aside for these expenses. This sum is not paid at the time the award is made, but is only paid if and when the expense is incurred. Payment can only be made for the type of treatment provided for when the award was made.

PART D

Payment can be made either by electronic funds transfer to an account nominated by you, including your lawyer's account, or by cheque. If you would like a payment made to another person (eg your doctor, dentist or physiotherapist), you must provide authority for this by completing and signing the relevant section under this part of the application form. Please attach an additional sheet if more than one payment is required.

PART E

This section requires you to identify under which section of the Act you are claiming. Please tick which section is appropriate to your claim. The Assessor may amend this if necessary when enquiries are completed.

You must sign and date the application form and supporting statements. The form does not have to be witnessed. The application form should be signed by the person making the application, or if the person applying is:-

- (a) under 18, by a person on their behalf;
- (b) subject to a guardianship or administration order under the *Guardianship and Administration Act* (or equivalent), then by their guardian or administrator.

The application may not be signed by your solicitor or any other person who assisted in the preparation of the application. The declaration requires the applicant to indicate he or she understands the matters listed.