



OFFICE OF CRIMINAL INJURIES COMPENSATION

DEPARTMENT OF THE ATTORNEY GENERAL

WESTERN AUSTRALIA

Chief Assessor's Report
2015 / 2016



CRIMINAL INJURIES COMPENSATION

The Honourable Michael Mischin, MLC
Attorney General of Western Australia
Level 10 Dumas House
2 Havelock St
WEST PERTH WA 6005

Dear Attorney General

STATUTORY REPORT - CRIMINAL INJURIES COMPENSATION 2015/16

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 2016.

Yours faithfully

A handwritten signature in blue ink that reads "H L Porter".

H L Porter
CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION

30 September 2016

CONTENTS

OVERVIEW.....	4
STATISTICAL PROFILE.....	4
APPLICATIONS RECEIVED.....	5
CLAIMS FINALISED.....	5
NATURE OF OFFENCES.....	6
GENDER OF RECIPIENTS.....	6
MONETARY RANGE OF AWARDS.....	7
INTERIM PAYMENTS.....	7
PRIMARY AND SECONDARY VICTIMS.....	8
LEGAL REPRESENTATION.....	8
APPEALS.....	8
REASONS FOR REFUSALS.....	9
REDUCTIONS FOR CONTRIBUTION.....	9
FUTURE PAYMENTS PROVISION.....	10
PERFORMANCE MEASURES.....	11
ASSESSMENT TIME.....	11
OUTSTANDING APPLICATIONS.....	12
PROVISION OF REASONS.....	12
COMMUNITY SERVICE.....	13
RECOVERY OF DEBT.....	13
ACKNOWLEDGEMENTS.....	13

OVERVIEW

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

STAFF

The team at the OCIC consists of 3 full time assessors and 17.2 full time equivalent administrative employees, including staff working on recovery of compensation payments from convicted offenders (the Recoveries Office).

KEY DATA

During 2015/2016,

2769 new applications for compensation were received.

2734 applications were accepted for processing, a decrease of 1.1%.

2262 applications were finalised, an increase of 10%.

1987 awards were made totalling \$39,973,822.

The average award was \$20,118.00.

222 applications were refused.

10 hearings were held into applications for compensation.

The caseload increased by 470 to 2731 applications on hand, an increase of 20.8%.

\$1,702,640 of debt owed to the State was recovered, a decrease of 0.8%.

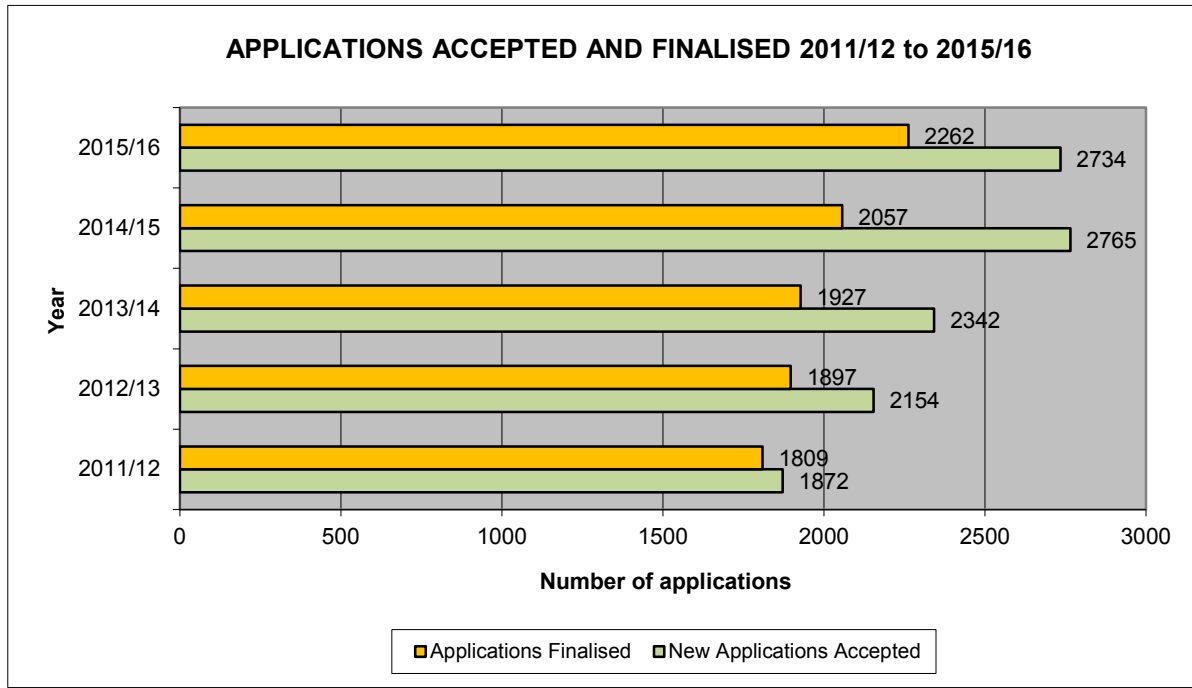
982 finalised applications were for offences involving family and domestic violence.

STATISTICAL PROFILE

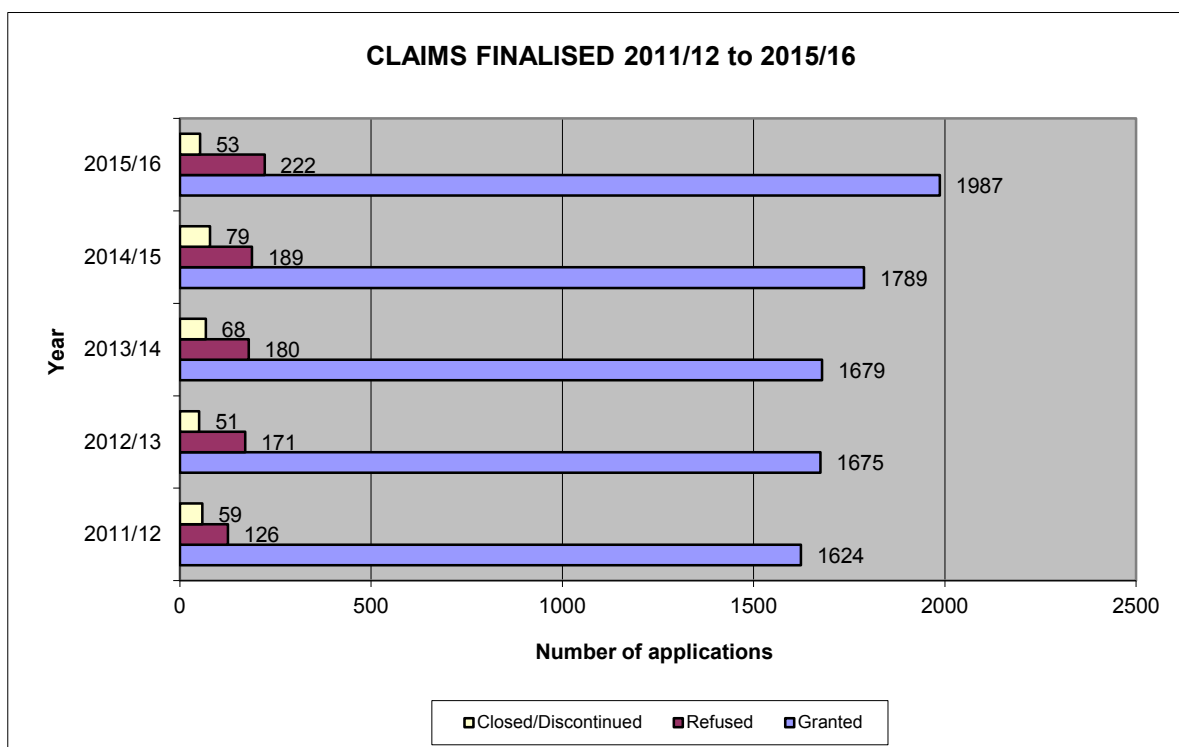
	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>
New applications received	2180	2391	2700	2769
Accepted applications	2154	2342	2765	2734
Rejected applications	443	694	687	707
Resubmitted applications	417	477	490	557
Awards granted	1675	1679	1789	1987
Applications refused	171	180	189	222
Applications closed or discontinued	51	68	79	53
Applications outstanding at 30 June	1149	1556	2261	2731

NEW APPLICATIONS RECEIVED

During 2015/16, 2769 new applications were received. On 707 occasions applications were returned to the applicant for further work. Of the applications returned to the applicant, 557 were resubmitted on at least one occasion. As in the preceding year, it can be seen that over the 5 years, the OCIC has managed to increase the output of completed applications, with no increase in staff. In 2015, 2057 applications were finalised, and in 2016, 2262 were finalised. This increase in output continues to be overtaken by the rate of new applications, resulting in an increase in the case load and in the time victims of crime must wait for an application to be determined. The case load increased this year by 470 applications.

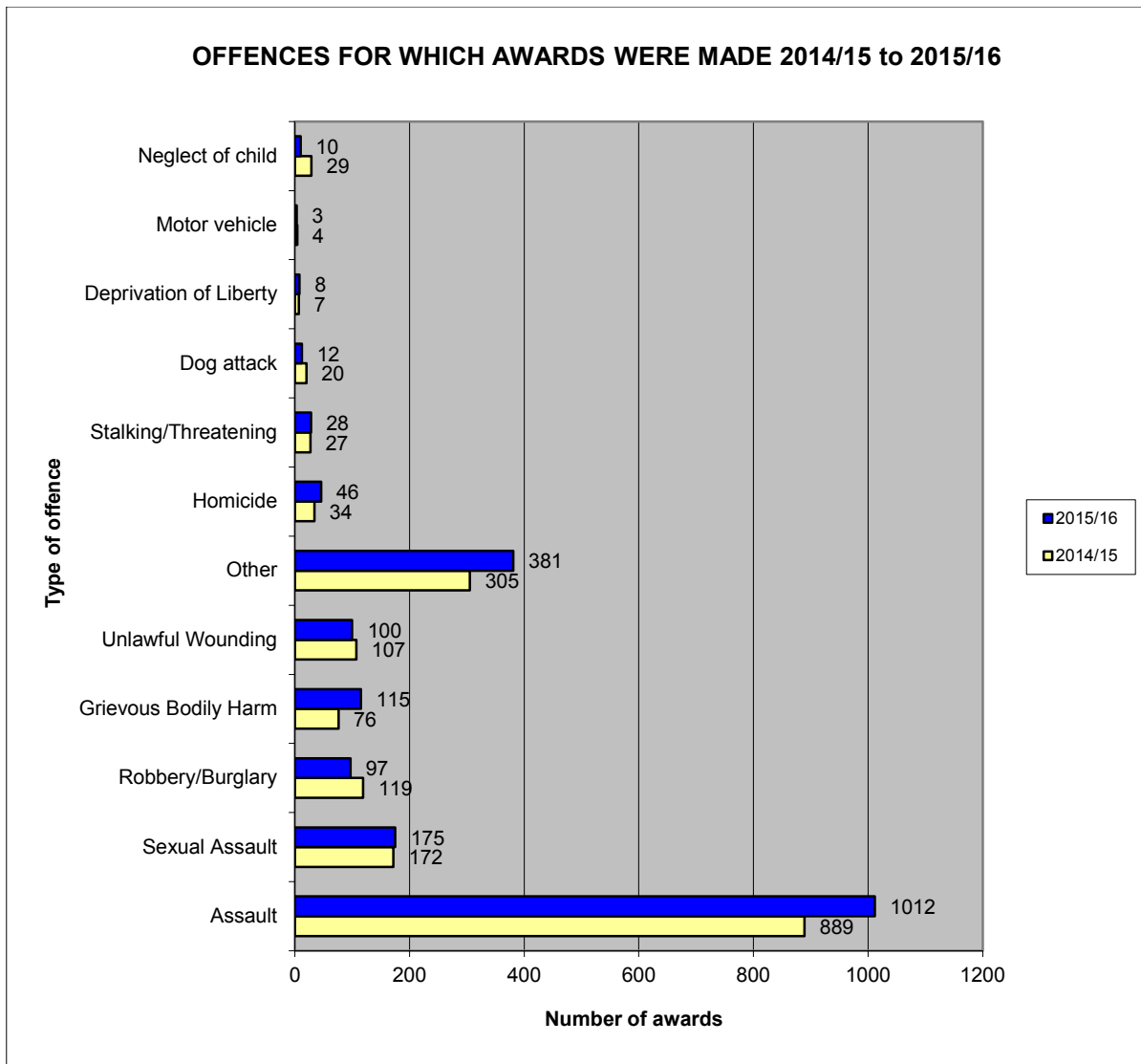


CLAIMS FINALISED



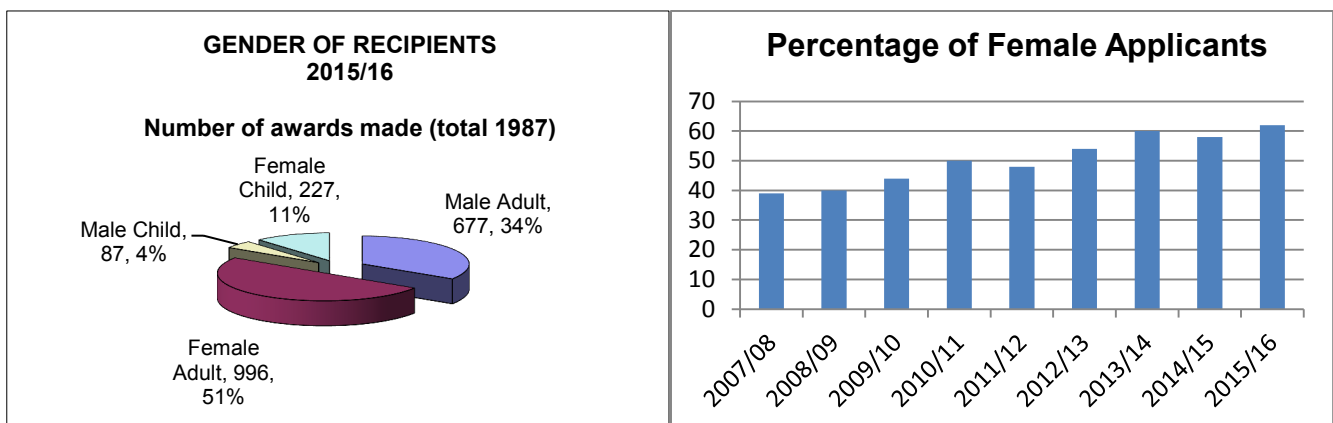
NATURE OF OFFENCES INVOLVED

The chart below illustrates the types of offences for which awards were made, with a comparison between 2014/15 and 2015/16.



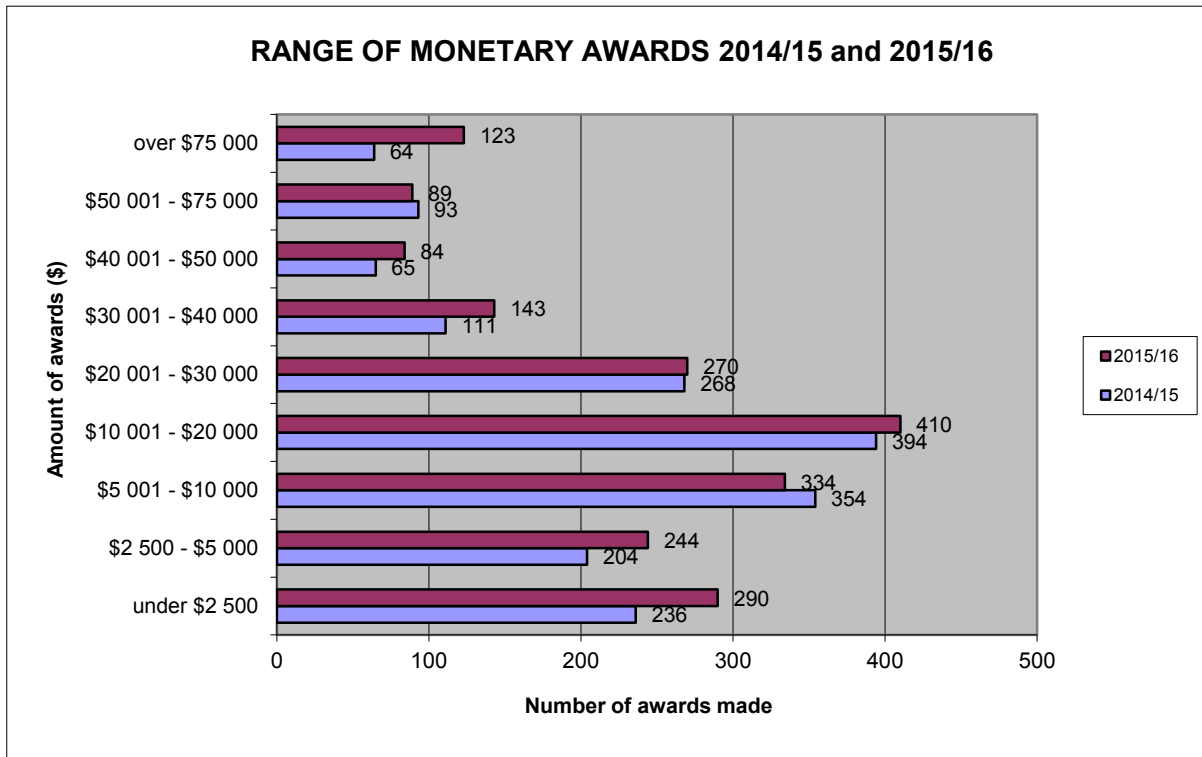
NUMBER OF MALES & FEMALES TO WHOM AWARDS WERE MADE

The following chart shows the gender of persons to whom awards were made and the number of adults and children involved. Overall, 38% of recipients were male and 62% female. The number of female applicants is the highest recorded and represents a steady increase over the years since 2008 when the percentage of female applicants was 39%.



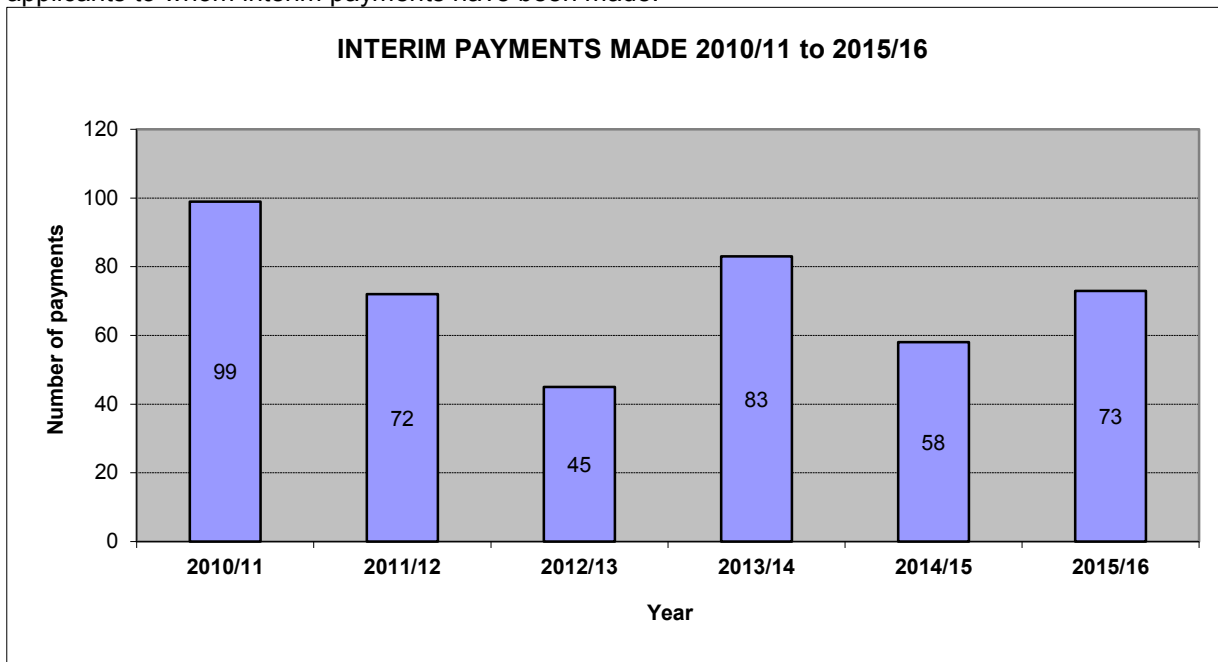
RANGE OF AWARDS MADE

The chart below illustrates the monetary range of awards made, with a comparison between 2014/15 and 2015/16.

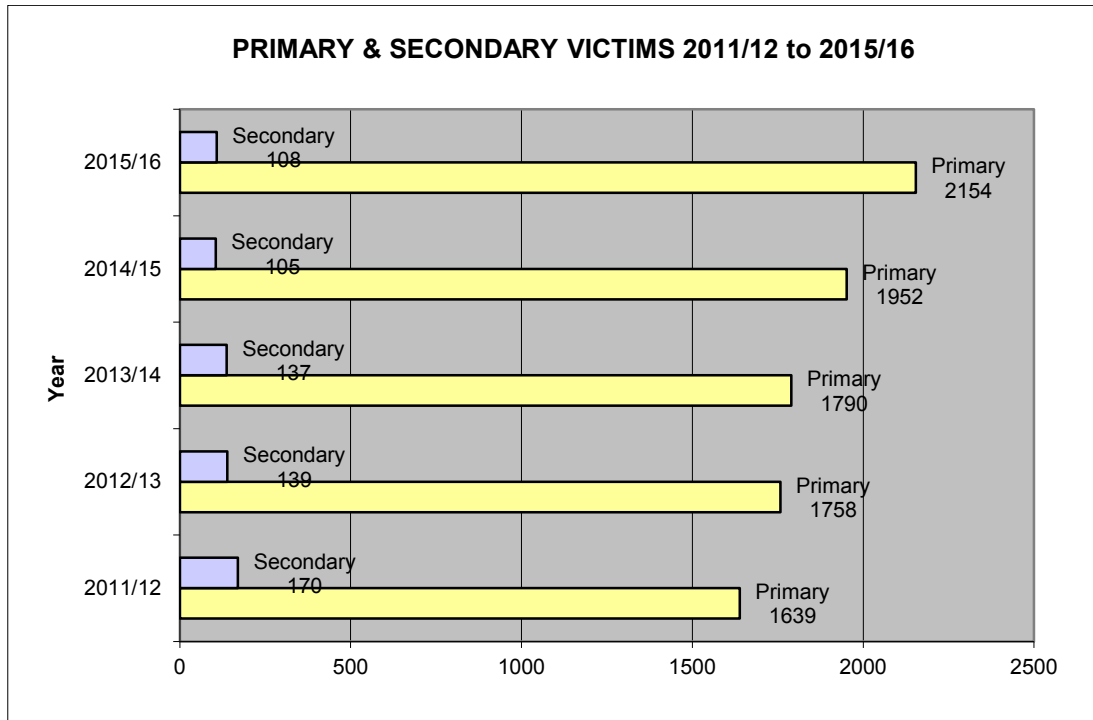


INTERIM PAYMENTS

An Assessor may authorise an interim or “up front” payment before the finalisation of a claim, to a maximum of \$2,250 for expenses incurred as a consequence of a death or injury. The table below shows the number of applicants to whom interim payments have been made.

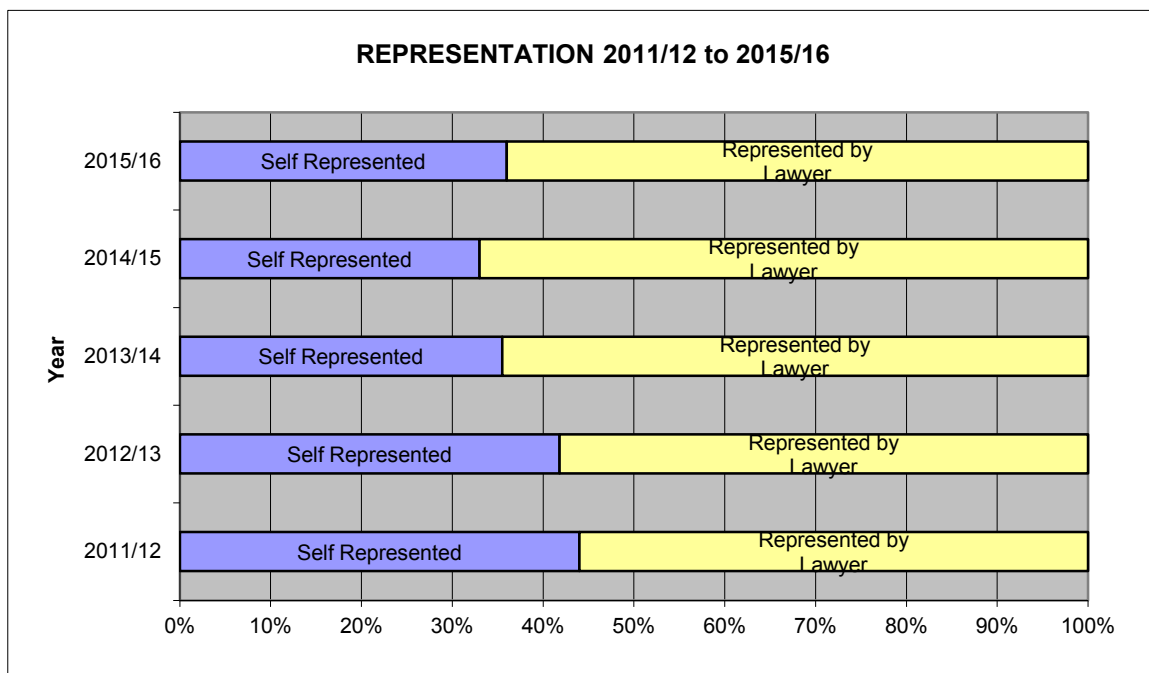


PRIMARY & SECONDARY VICTIMS



REPRESENTATION

The last 12 months has seen a slight decrease in the proportion of applicants having legal representation with 64% of applicants represented compared to 67% in the previous year.



APPEALS

26 appeals were lodged with the District Court following the determination of a compensation application. 27 appeals were finalised and of these 12 were successful, 2 were unsuccessful and 13 were discontinued.

REFUSALS

Awards were refused on 209 applications for reasons detailed below. Of these refusals, 106 (51%) relate to matters involving allegations of family violence.

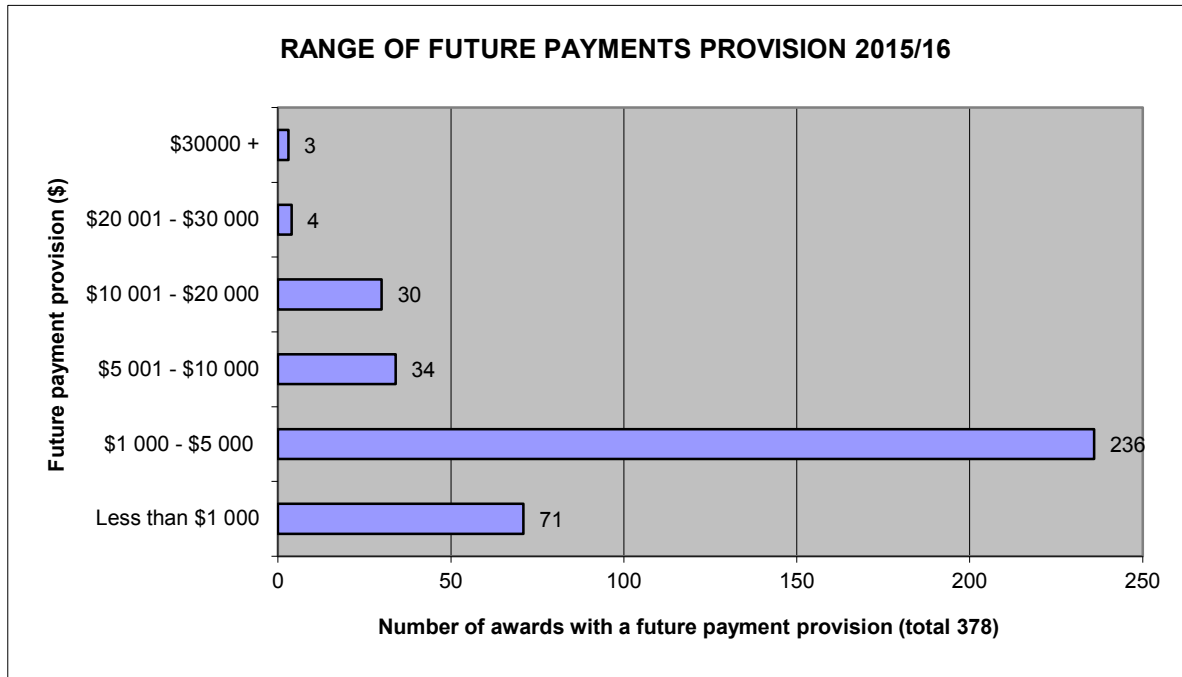
Section of Act	No of Refusals	Family and Domestic Violence Matters Refused	Reason for Refusal
9	32	20	Time expired, extension of time refused
13	13	7	Alleged offender acquitted
16	2	2	Alleged offender acquitted due to unsoundness of mind
17	61	38	Assessor not satisfied applicant injured in the commission of an alleged offence
21	2	1	Applicant required to enforce other remedies
35	6	0	Limitation of compensation for mental and nervous shock
36	0	0	No award if compensation likely to benefit offender
37	2	0	Injury caused by a motor vehicle
38	31	23	Applicant did not assist investigation, apprehension or prosecution of offender
39	41	11	Victim engaged in criminal conduct
40	1	1	Compensation previously awarded or refused
41	3	1	Behaviour etc of victim to be considered
42	15	2	Insurance payment deducted from award

REDUCTIONS TO AWARDS FOR CONTRIBUTION

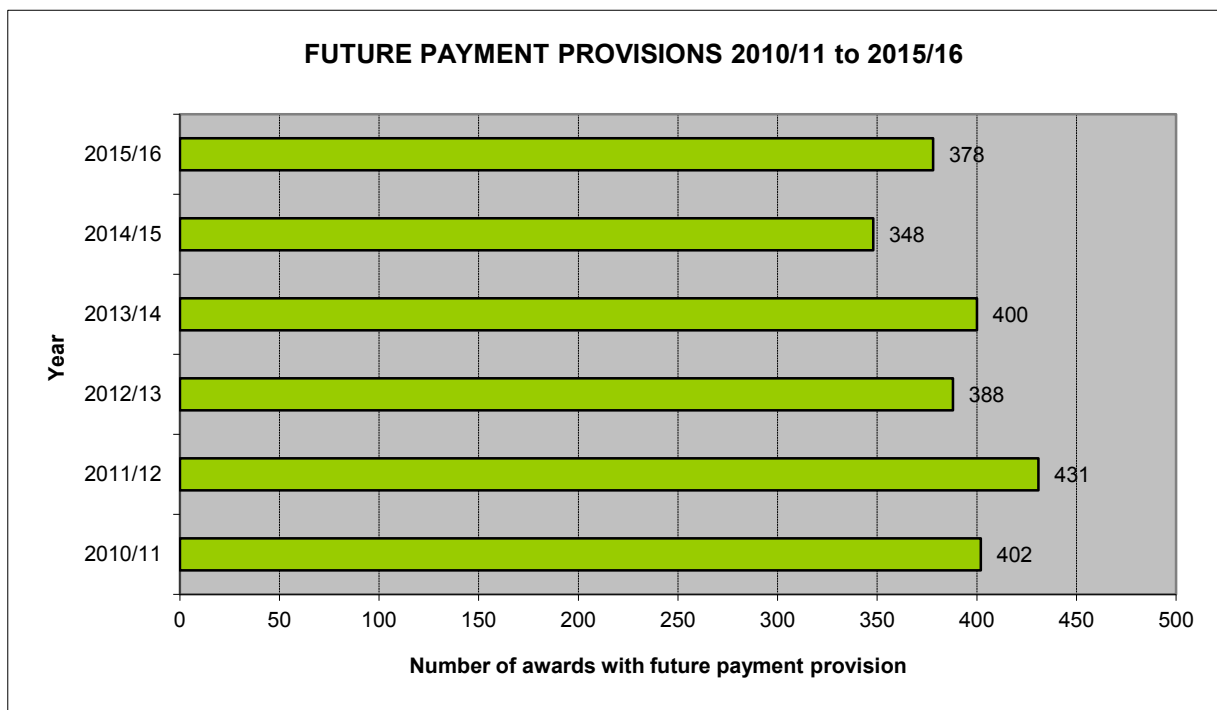
Section 41 of the Act requires that regard be had to “any behaviour, condition, attitude, or disposition of the victim that contributed, directly or indirectly, to the victim’s injury or death”, and allows the award to be refused or the amount of an award to be reduced. Reductions for contributory behaviour, ranging from 10% to 50%, were made in 20 awards during 2015/16. Of these, 14 awards were reduced by 20% or less, 6 awards were reduced by over 20%.

FUTURE PAYMENTS PROVISION

As part of an award, an Assessor may make provision for future treatment costs which can be claimed by the applicant when relevant costs are incurred.



Provision was made in 2015/16 in 378 awards for future payments totalling \$1,488,138 increasing the total provision made under the Act since 1 July 2004 to \$12,791,753. Of this, \$343,278 was paid out in 2015/16 bringing the total paid since the commencement of the Act on 1 July 2004 to \$2,079,627. Pursuant to section 48 of the Act, payment is not made until expenses have been incurred and any available rebate has been claimed. Further, payment may only be made if the expense was incurred before the expiry of 10 years after the date of the award or the date the applicant reached 18 years of age, whichever is the later.

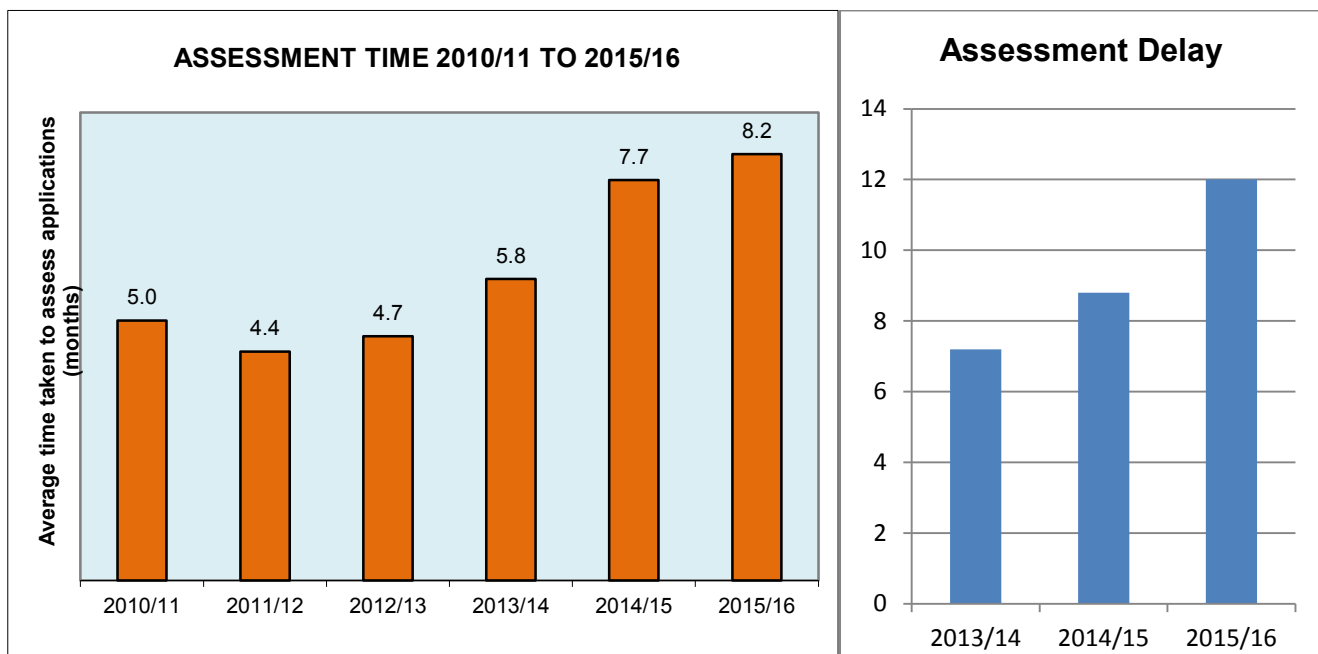


PERFORMANCE MEASURES

	July - Sep 15	Oct - Dec 15	Jan - Mar 16	Apr - Jun 16	Annual
Lodgements accepted	572	773	689	700	2734
New applications	539	631	561	481	2212
Finalisations	397	606	539	720	2262
39 weeks & less	122	230	144	324	820
39 to 52 weeks	155	142	121	216	634
More than 52 weeks	120	236	274	180	810
Listings matters heard	4	2	1	3	10
Cases on hand	2441	2605	2747	2731	2731
Less than 39 weeks	1495	1633	1773	1817	1817
39 to 52 weeks	377	321	307	289	289
More than 52 weeks	569	651	667	625	625
Applications New & Resub	692	759	696	622	2769
Applications Rejected	195	188	192	132	707
Applications Resubmitted	153	128	135	141	557

ASSESSMENT DELAY

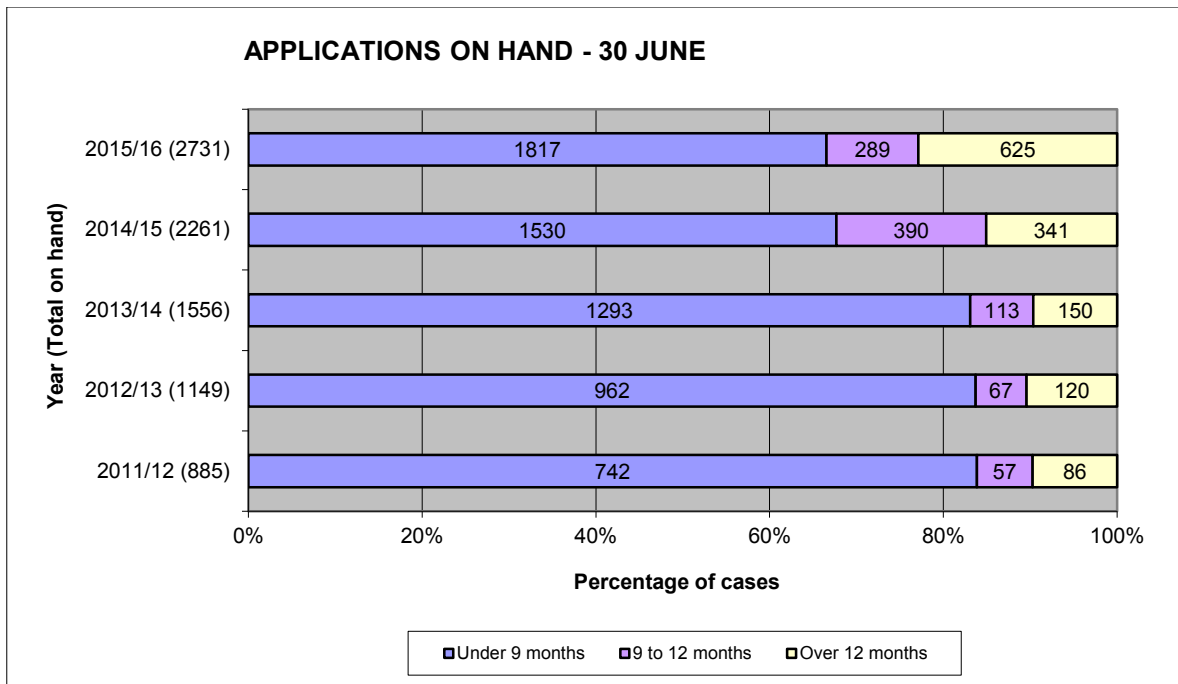
The calculation of the average time taken to finalise an application, referred to as the assessment delay, has in the past been made on the basis of only those applications finalised *in less than 12 months from receipt*. This assumption reflected the likelihood that, in cases which take more than 12 months to finalise, the delay is caused by external factors such as ongoing treatment, finalisation of the prosecution, and resolution of other avenues for compensation. On this basis, the assessment delay during 2015/16 was 8.2 months, an increase from 7.7 months in 2014/15.



The assessment delay over *all applications finalised in the financial year* was 12 months. The table above shows the assessment delay over all files determined in the years 2013/14 to 2015/16.

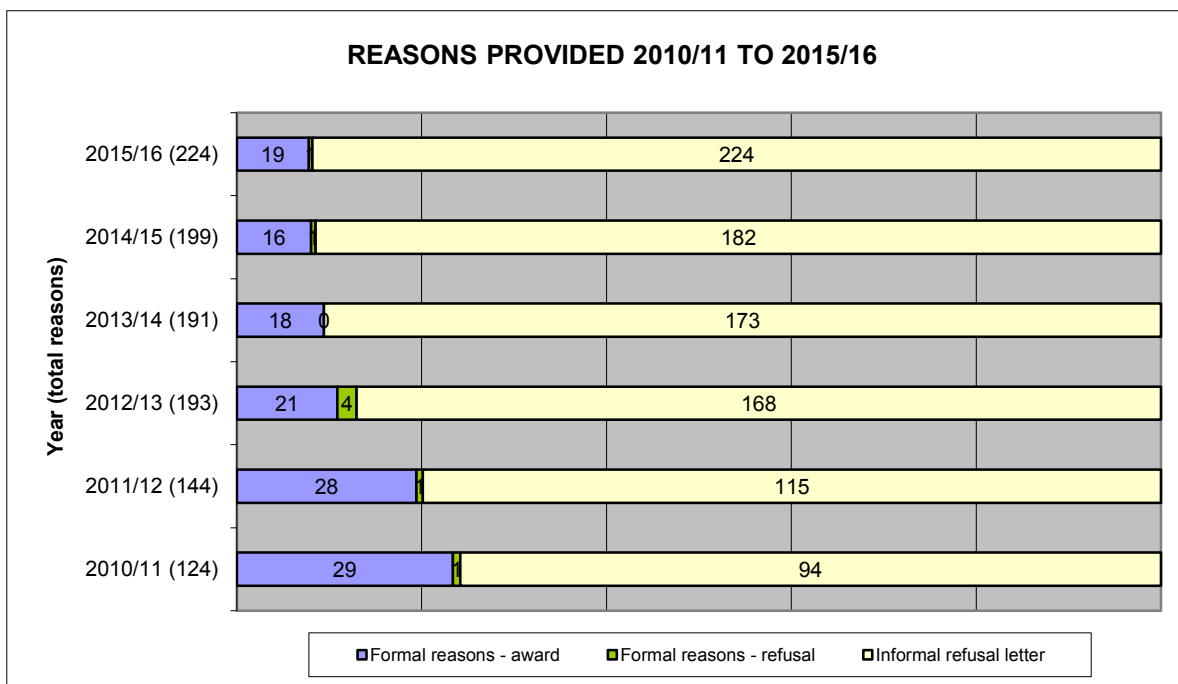
OUTSTANDING APPLICATIONS

On 30 June 2016, 2731 applications were on hand, an increase of 470, or 20.8%, 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 by 83%.



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. During 2015/16, formal reasons for decision were provided in 20 cases and in total reasons were provided in 224 cases, an increase of 25 over the previous year. The chart below sets out the breakdown of these reasons.

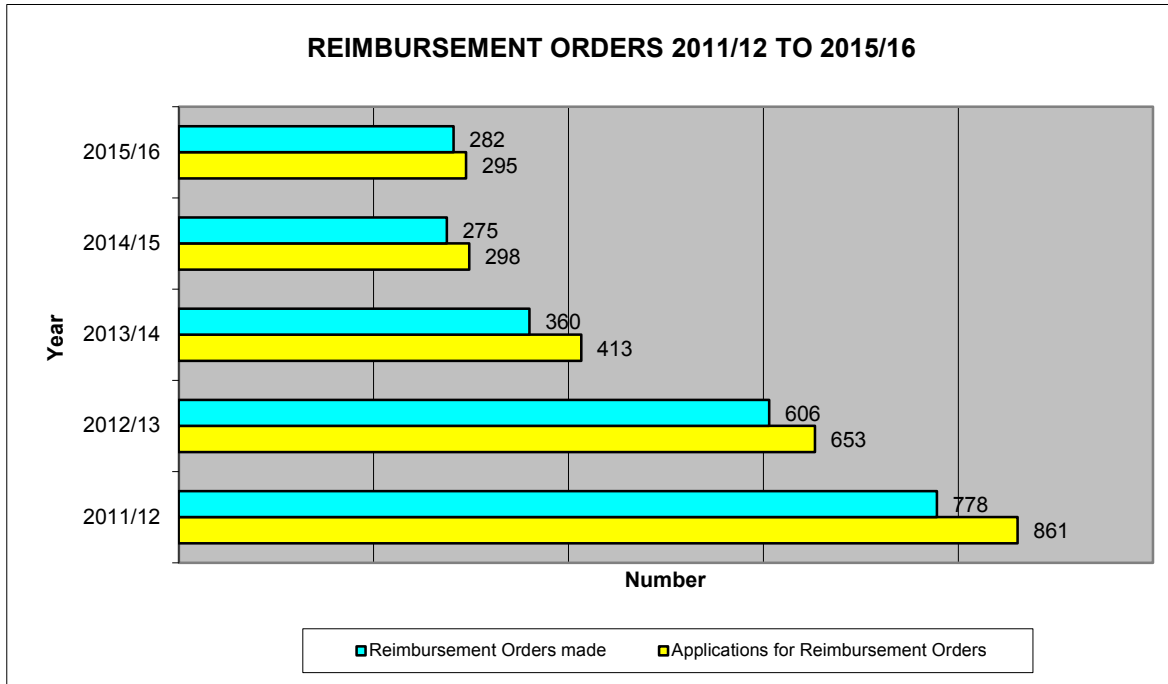


COMMUNITY SERVICE

During the year Assessors have participated in a number of public speaking engagements and education and training opportunities, including for the Office of the Commissioner for Victims of Crime during Law Week, the ALA Conference, the Aboriginal Family Law Service CLE day, Community Legal Services' Quarterly CLE day, the Citizens Advice Bureau and the ANZAPLL Conference.

RECOVERY OF DEBT

A Compensation Reimbursement Order (CRO), which enables the State to take enforcement action 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. The making of a CRO requires an application to be listed before an Assessor with notice to the offender to enable the offender to be heard on the application.



In 2015/16, \$1,702,640 of debt owed to the State was recovered, compared to \$1,716,691 in the previous year. This represents a 0.8% decrease. The reduction in the time spent by assessors on the reimbursement process was maintained in this year, as the level of resources continued to place pressure on the ability of assessors to determine applications in a timely manner. The case load of the Assessors has increased from an average of 265 in July 2012 to 910 at 30 June 2016. In the light of this, the assessors have continued the reduction of hours spent on recovery of compensation from convicted offenders

ACKNOWLEDGEMENTS

The statistics measuring the performance of the Office in 2015-16 reveal the continued increase in caseload and consequently the pressure placed on all staff to meet the needs and expectations of the community in respect of criminal injuries compensation applications. All members of staff have continued to produce excellent output in the face of the continued very high workload. On behalf of the community I congratulate and thank each of the officers concerned.

H L Porter

CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION

30 September 2016