



**OFFICE OF CRIMINAL INJURIES COMPENSATION**

**DEPARTMENT OF JUSTICE**

**Chief Assessor's Report  
for  
Financial Year Ending 30 June 2005**

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## **STATUTORY REPORT- CRIMINAL INJURIES COMPENSATION ACT 2003**

### **REPORT FOR FINANCIAL YEAR ENDING 30 JUNE 2005**

The *Criminal Injuries Compensation Act 2003* ("the 2003 Act") came into effect on 1 January 2004. The 2003 Act provides for a report at the end of the financial year. This is the first full financial year report under the 2003 Act.

The following is a summary of the statistical measures of the operations of the Office of Criminal Injuries Compensation ("the Office") during 2004/05:

- \$19,387,357.00. was awarded in compensation,
- 1441 new applications were received,
- 1137 applications were accepted for processing,
- 1549 applications were finalised,
- 1320 compensation awards were made, at an average of \$14,687.00 per award,
- 20 hearings into applications for compensation were held,
- 79 applications were refused,
- the caseload was reduced by 415 to 956 current applications,
- 57 compensation reimbursement hearings were held, and
- \$1,040,000.00 of debt owed to the State was recovered.

### **STATISTICAL PROFILE**

Year	2000	2001	2002	2003	1 Jan 2004 30 Jun 2004*	2004/2005
New applications received	1170	1041	1021	1370	752	<b>1441</b>
Applications accepted	1176	1017	1180	1307	453	<b>1137</b>
Rejected applications	**	**	**	**	297	<b>1088</b>
Resubmitted applications	***	***	***	***	***	<b>784</b>
Applications determined (granted and refused)	1096	806	1090	1011	613	<b>1400</b>
Applications closed or discontinued	271	276	134	102	69	<b>149</b>
Applications outstanding at 31 December	1482	1441	1238	1598	N/A	<b>N/A</b>
Applications outstanding at 30 June	N/A	N/A	N/A	N/A	1371 (June 2004)	<b>956 (June 2005)</b>

\* These figures are for 6 months  
\*\* Statistics were kept from March 2004  
\*\*\* Statistics were kept from July 2004

## **NEW APPLICATIONS RECEIVED**

Resubmitted and rejected applications are included in the statistical profile as these processes have a substantial impact on the workload of the Office. 1441 new applications were received. On 1088 occasions applications were returned to the applicant or solicitor requiring further work. Of the returned applications, 784 were resubmitted. Of the initial applications received and returned to the applicant for further work, 304 were not registered.

## **NUMBER OF CLAIMS FINALISED**

Year	2000	2001	2002	2003	1 January to 30 June 2004	2004/2005
Granted	1086	766	1062	951	566	1320
Refused	40	33	19	51	47	79
Discontinued	28	26	4	6	3	5
Closed	194	244	125	91	67	144
Total	<u>1348</u>	<u>1069</u>	<u>1210</u>	<u>1099</u>	<u>683</u>	<u>1549</u>

## **NATURE OF OFFENCES INVOLVED**

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

	<b><u>Offences</u></b>
Common Assault	120
Assault Occasioning Bodily Harm	371
Assault Public Officer and Resisting Arrest	123
Grievous Bodily Harm	77
Unlawful Wounding	72
Armed Robbery and Stealing with Violence	94
Armed Robbery/Stealing with Violence Bank/Building Society	17
Sexual Offences	135
Incest	4
Homicide and Attempted Homicide	60
Deprivation of Liberty	12
Handbag Snatch	3
Other	232
<b>TOTAL</b>	<b><u>1320</u></b>

## **RANGE OF AWARDS**

The table below illustrates the monetary range of awards made.

<b><u>DOLLARS</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENTAGE (%)</u></b>
0 – 5,000	359	27.15
5,001 – 10,000	327	24.79
10,001 – 20,000	305	23.11
20,001 – 30,000	158	11.93
30,001 – 40,000	76	5.77
40,001 – 50,000	74	5.62
50,001 – over	21	1.59
TOTAL	<b>1320</b>	<b>100%</b>

## **PERCENTAGE OF MALES & FEMALES TO WHOM AWARDS WERE MADE**

<b>GENDER</b>	<b>PERCENTAGE (%)</b>
Male Adults	52.09
Female Adults	36.05
Male Children	5.07
Female Children	6.79

## **TYPES OF INJURIES**

	<b>PERCENTAGE (%)</b>
Bruising, Lacerations, Minor Injuries	29.35
Head and Facial	16.43
Other Bodily Injuries	21.74
Mental and Nervous Shock	32.48

## **PRIMARY & SECONDARY VICTIM**

Primary	1168
Secondary	117

## **REPRESENTATION**

In person	43.03
Solicitor	56.97

## **INTERIM PAYMENTS**

Funeral	2
Ambulance Transport	13
Dental Treatment	15
Travel Expenses	2
Personal Items	0
Treatment and Reports	120
<b>Total</b>	<b>152</b>

## **REFUSALS**

Awards were refused on 79 applications, as outlined below:

<b>Section of the 2003 Act</b>	<b>Number Refused</b>	<b>Reason for Refusal</b>
<b>9</b>	<b>2</b>	Time limit for making application lapsed, extension of time refused
<b>10</b>	<b>2</b>	Death of a person entitled to compensation ends entitlement
<b>12</b>	<b>8</b>	Proved offence
<b>13</b>	<b>12</b>	Alleged offence: acquittal
<b>14</b>	<b>1</b>	Alleged offence: acquittal due to unsoundness of mind.
<b>16</b>	<b>4</b>	Alleged offence: charge not determined
<b>17</b>	<b>19</b>	Alleged offence: no person charged
<b>29</b>	<b>4</b>	Assessor's general discretion
<b>31</b>	<b>1</b>	Date of offence before commencement of compensation scheme
<b>35</b>	<b>4</b>	Mental and nervous shock, compensation limited to certain persons
<b>37</b>	<b>4</b>	No award if injury is caused by a motor vehicle
<b>38</b>	<b>17</b>	No award if applicant did not assist investigation, apprehension or prosecution of offender
<b>39</b>	<b>1</b>	No award if victim was engaged in criminal conduct
<b>40</b>	<b>0</b>	No award if compensation already awarded or refused

## **FUTURE PAYMENTS PROVISION**

Less \$5000	114
Between 5 & 10,000.00	27
Between 10 & 20,000.00	7
Between 20 & 30,000.00	5
Between 30 & 40,000.00	0
Between 40 & 50,000.00	0
More than 50,000.00	0

Provision was made in 2004/05 for future payments of \$583,835.00. Of this provision, \$15,817.00 has been paid in 2004/05.

The total provision for future payments made under the 2003 Act since 1 January 2004 is \$624,614.00, of which \$16,105.00 has been paid.

## **APPEALS**

Appeals were lodged against 65 compensation awards and 41 appeals were finalised. Of the finalised appeals, 24 were successful, 3 were dismissed and 14 were discontinued.

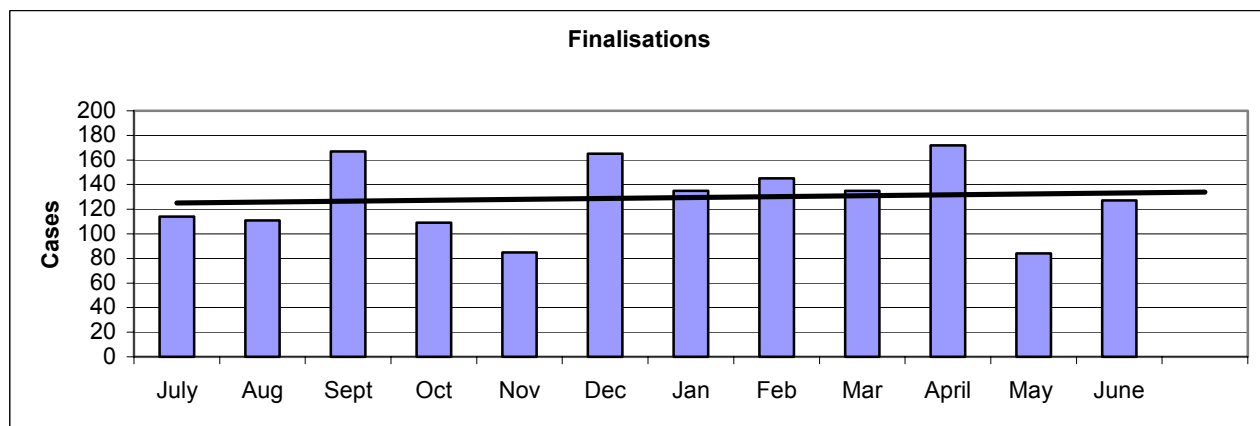
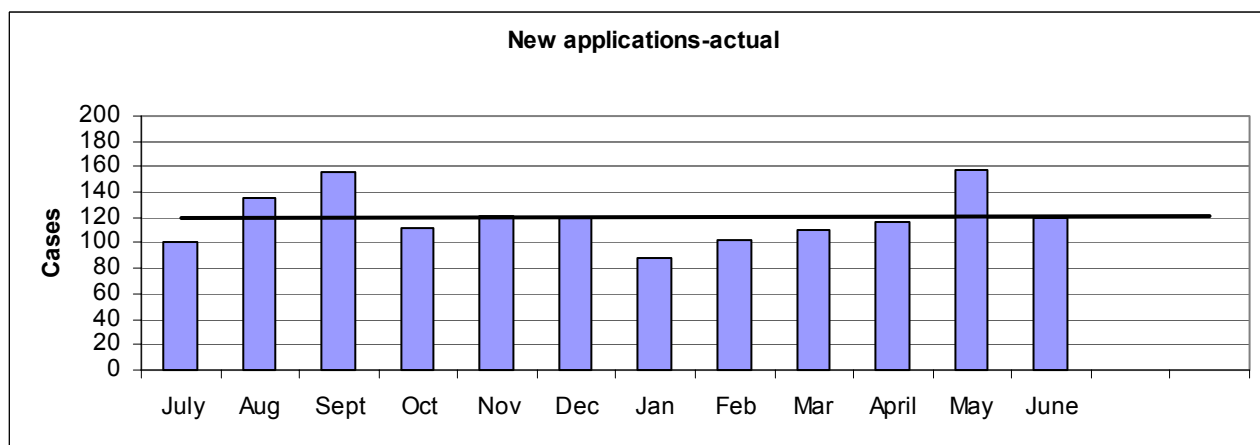
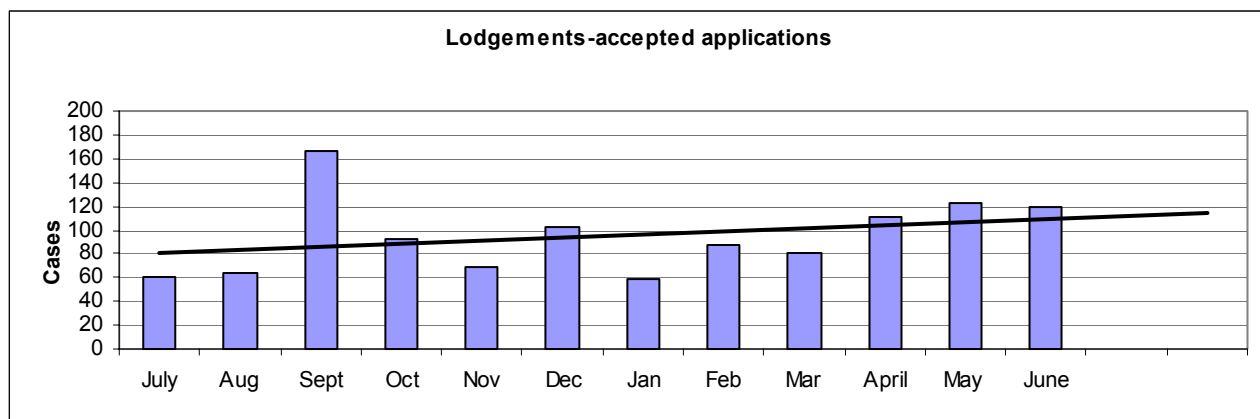
## **REDUCTIONS TO AWARDS FOR CONTRIBUTION**

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 any award to be reduced in proportion to the contribution found to have occurred. Reductions for contributory behaviour were made in 5 awards. One award was reduced by 20% and the other 4 by 15%. No awards were refused under this section.

## **PERFORMANCE MEASURES**

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	YTD
Lodgements- Accepted	292	265	227	353	<b>1137</b>
New applications - Actual	393	353	301	394	<b>1441</b>
Finalisations	392	359	415	383	<b>1549</b>
39 weeks & less	122	124	150	239	635
52 weeks & less	90	62	47	42	241
> 52 weeks	180	173	218	102	673
Listings matters heard	7	4	4	5	20

Cases on hand	1265	1172	985	956	<b>956</b>
< 39 weeks	617	620	582	631	631
< 52 weeks	205	99	80	75	75
> 52 weeks	443	453	323	250	250
Applications New & Resubmitted	578	542	494	611	2225
Applications Rejected	286	277	267	258	1088
Resubmitted	784	189	193	217	784





## **ASSESSMENT TIME**

The average time taken to assess an application was 7.1 months. For the first 6 months of the financial the average was 7.7 months and for the second half of the year it was 6.48 months.

## **OUTSTANDING APPLICATIONS**

At 30 June 2005, 956 current applications were outstanding, a decrease of 415 over the 12 months. The breakdown of the age of the applications on hand in the table below shows that the reduction in the caseload has been achieved mainly by reducing the backlog of files which have been in the Office for more than 9 months. The proportion of the caseload of "current" applications, those which have been in the Office for less than 9 months, has increased from 51.28% at June 2004 to 66% at June 2005. The proportion of cases aged over 9 months and over 12 months has decreased in each category. This reflects the improvement in the average time taken to process an application, set out above, and a continued "targeting" of older files to bring these to a resolution. In addition, the returning to the applicant of applications which have not been submitted in a condition to enable their prompt resolution ensures that when an application is properly prepared, it is dealt with in a timely manner.

## **FINALISATION STATISTICS**

<b>Cases on hand</b>	Under 9 months	9 to 12 months	Over 12 months
<b>2004/2005</b>	631 (66.00%)	75 (7.85%)	250 (26.15%)
<b>2004</b>			
At 30/06/2004	703 (51.28%)	215 (15.68%)	453 (33.04%)
<b>2003 Annual figure</b>			
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 went down by 72 from 703 to 631, while the number of files aged over 9 months went down by 343 from 668 to 325. Three additional staff were employed for a 3 month period to assist to reduce the caseload. Since February 2005 an additional case manager has been available in a supernumery capacity as a consequence of ongoing rehabilitation. Temporary agency secretarial staff have been employed for a total of 21 weeks to help to maintain an acceptable output of compensation awards.

## **PROVISION OF REASONS**

An Assessor is required to give formal written reasons for the making of an award if requested in writing by a party, and in all cases where the making of an award is refused. On occasions formal written reasons which have been provided may require supplementation to clarify or correct the original reasons. Where an Assessor forms the view that by reason of the operation of the legislation an applicant is ineligible, the applicant may be advised in writing by letter of the reasons for that outcome, rather than by formal written reasons. Formal reasons for decision have been provided in 79 cases and in total, reasons have been provided in 110 cases. The table below sets out the breakdown of these reasons.

	<b>FORMAL REASONS AWARD</b>	<b>FORMAL REASONS REFUSAL</b>	<b>INFORMAL REFUSAL LETTER</b>	<b>SUPPLEMENTARY REASONS FOR DECISION</b>	<b>TOTAL</b>
<b>2005</b>	64	15	31	0	110
<b>2004*</b>	26	15	32	0	73
<b>2003</b>	45	14	37	0	96
<b>2002</b>	77	6	7	1	91

\*for 6 months to June 2004

### **JUDGEMENT PROCESSING SYSTEM**

Since the beginning of May 2004 formal reasons for decision have been 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. Workload has prevented the addition to the database of a number of the decisions handed down before the commencement of JPS system. Unfortunately, it has not yet been possible to establish a link to the Justice Department website, to enable users of that resource to access the published decisions. Work is continuing to achieve this outcome.

### **RECOVERY OF DEBT**

A Compensation Reimbursement Order is sought on the instructions of the Chief Executive Officer of the Department of Justice to recover the amount of an award from a convicted offender. 57 hearings of applications for CRO were held.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>Number of Applications</b>	143	124	568	203	390
<b>Number of Orders made</b>	131	115	508	172	356

The figures demonstrate an increase in recovery activity over the previous year. This increase has been brought about by improved stability of staff and ongoing review and improvement of work processes. \$1,040,000.00 of debt owed to the State was recovered. An additional staff member was employed for a 2 month period in May and June 2005 to initiate contact with debtors where recovery action had been dormant for some time. The Recoveries Branch is still processing recovery action in respect of matters re-instigated as a result of this project, in addition to the normal work load.

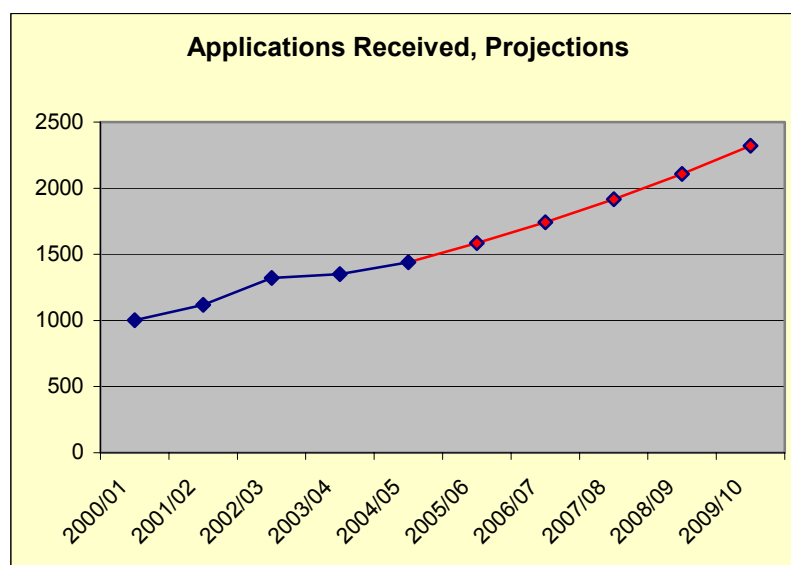
## **THE LAWLER REPORT/ PROJECTED WORKLOAD**

In the period from February to July 2005 Ms Gwen Lawler conducted a review of the work processes, staffing and other resource levels in the Office. As part of this review the Office participated, with the Department of Justice Office of Business Improvement, in a pilot project to develop work load assessment tools to assist in the forecasting of demand and of the staff levels needed to respond appropriately to that demand. Statistical analysis of the Criminal Injuries Compensation Office data, assisted by data from the WA Police Service (WAPS) and the Australian Bureau of Statistics, has enabled the formulation of estimates of future demand.

In 2000/2001, 1,003 applications for compensation were received from victims of crime. In 2004/2005, 1,441 applications were received. Over the four-year period this represents an average increase in workload of 10% per annum. If this trend is applied to the next five years, by 2009/2010, the Office will receive 2,320 applications.

	<b>Lodgements</b>					<b>Forecast</b>				
<b>Years</b>	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
<b><u>Applications received</u></b>	1003	1118	1322	1350*	1441	1585	1743	1917	2109	2320

\*Estimated, Insufficient data to reflect true figure

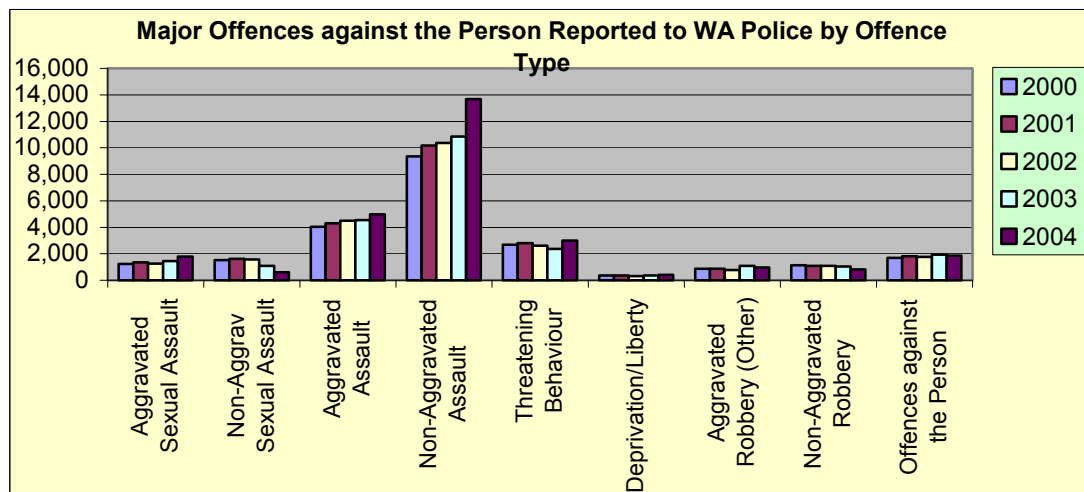


Offences against the person reported to the WAPS have increased significantly over the past four years, from 22,410 in the calendar year 2000, to 26,483 in the calendar year 2004. This represents an 18% increase over the past four years, an average of 4.5% per annum. When forecast to the following calendar year, approximately 27,674 offences against persons will be reported to the WAPS for the year 2005.

The most commonly reported offence, non-aggravated assault, is showing a steady increase with a large rise in 2004 (26.2%). Aggravated assaults also display a rising trend. Other offences do not

show any discernible trend in numbers of offences reported, however almost half (45.6%) of the criminal injuries compensation applications received are for assault offences.

The significant increase in aggravated and non-aggravated assaults reported to the WAPS for 2004 will impact on the number of applications received. The Office is experiencing a 10% per annum average growth, however this is well below the recent increase in the rate of reporting of assaults.



Other factors also impact on the rate of criminal injuries compensation applications. These include the range of new options under the 2003 Act, increased public awareness, improved timeliness of processing, the fact that more than one application may arise from a single offence and that in some cases applications can be commenced where the offence was not reported.

The data suggest that there will be an ongoing increase in the rate of demand for criminal injuries compensation over the next five years. At its present permanent staff levels, the Office cannot maintain the current high quality of service provision. The administrative staff resources of the Office have remained at virtually the same level since 2000. It is expected that without additional administrative staff resources being allocated to the processing of applications, the caseload will begin to increase. This will cause delay in the processing of applications. A significant and sustained effort, supported by some additional contract staff and the time of the Chief Assessor being devoted to administration and case processing, has enabled the Office to provide a prompt and efficient service and to reduce the backlog of applications, notwithstanding the high rate of new applications being received. These outcomes cannot be maintained by the current administrative staff in the face of the rate of new applications being experienced.

Ms Lawler's report has been completed and its recommendations are being considered by the Department of Justice. The report recommends an increase in administrative staff numbers and a reclassification and expansion of the Management structure of the Office. These staff increases are now essential to enable the Office to maintain the current level of service to the WA community.

**H L Porter**

**CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION**

30 September 2005