



# ANNUAL REPORT 2022-23

Office of Criminal Injuries Compensation  
Department of Justice Western Australia



## CRIMINAL INJURIES COMPENSATION

The Honourable John Quigley, MLA  
Attorney General of Western Australia  
5th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Attorney General

### **STATUTORY REPORT - CRIMINAL INJURIES COMPENSATION 2022/23**

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 2023.

Yours faithfully

*C. Holyoak-Roberts*

**C Holyoak-Roberts**  
**CHIEF ASSESSOR OF CRIMINAL INJURIES COMPENSATION**

September 2023



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Chief Assessor Holyoak-Roberts

Photo taken by Fionn Holyoak-Roberts

As the 2020 to 2022 inaugural business strategy came to an end this year, it provides an excellent opportunity to reflect upon the achievements of the Office of Criminal Injuries Compensation (OCIC). In the three years from development to implementation of this strategy, our finalisations have grown from 2,373 in 2018/2019 to 6,344 in the current year and our new applications have more than doubled over the same period from 3,626 to 7,589. Our processing times over all applications finalised in the financial year has reduced from 17.8 months in 2018/2019 to 8.8 months. Our case load has grown from 4,311 applications on hand in 2018/2019 to 6,786 applications on hand. Our cases older than 52 weeks have reduced from 50% of overall case load in 2018/2019 to only 10%. Our staff numbers increased from 3 full time Assessors and 17.7 full time equivalent administrative (FTE) employees across the business areas of awards and recoveries (2018/2019) to 4 full time Assessors and 21.1 FTE administrative employees. Overall, our workload has increased by more than 100% which has been managed using streamlined, trauma

## Chief Assessor's overview

informed processes administered by enthusiastic, dedicated and extremely hard-working employees.

Whilst the statistics illustrate impressive growth and improved outcomes in the face of an ever-growing highly complex caseload, our success is not just measured in statistics. The inaugural business strategy contained a number of objectives including, amongst many other things, building a positive workplace culture and improving stakeholder engagement. As for the former, the strategy initially focussed on providing improved staffing structures and employment certainty (contracted positions to permanent positions), streamlined processing procedures (end to end processing), regular opportunities for collaboration (monthly team meetings and opportunities for informal engagement) and an appropriate issue identification and problem-solving matrix. This change in culture and structure provided a place for ideas and innovation to facilitate staff contribution and increased work place satisfaction. Whilst the business strategy established the structure for workplace culture to improve, its flourishing is testament to each and every staff member of the OCIC who have embraced the change and worked with me, each other, the Department and our stakeholders to make the environment inclusive, cohesive, collaborative, fulfilling and most importantly, harmonious.

As for the latter, the OCIC has developed Memorandum's of Understanding with the Western Australian Police and the Department of Public Prosecutions regarding streamlined processes for the provision of information from these investigative and prosecutorial bodies. We have also developed and, over

the years, expanded our outreach program working with Aboriginal Justice, Wungening Aboriginal Corporation, Saint Pat's and the Pat Giles Centre for Non-Violence, including visiting remote Aboriginal communities and metropolitan locations to deliver OCIC's services to some of the most vulnerable, disadvantaged and isolated members of our community.

As for the content of the work performed by the OCIC, by far the greatest proportion of our work is family and domestic violence related. This year, around 42% of awards finalised fell into this category. As I write this overview, the media reports of unprecedented crisis talks to combat domestic violence in Western Australia following the tragic death of 2 women within a fortnight as a result of family violence. The annual reports of this Office show since 2015, on average, more than 40% of the workload of the OCIC is related to family and domestic violence matters. These are often made in multiple forms (i.e., multiple applications over a period), are complex in nature and require considerable investigation. The Australian Institute of Health and Welfare reported in Australia, between 2014–2021, the rate of family and domestic violence and sexual assault offences (FDV) increased, with victimisation rates consistently higher for females compared with males.<sup>1</sup> This data is mirrored in similar data from the Australia Bureau of Statistics.<sup>2</sup> Accordingly, where rates of FDV continue to rise it is likely the OCIC will be affected by these trends.

In addition, some situational factors may also impact on the trend of increasing rates of FDV. Most recently research into the effects of the COVID pandemic suggests FDV may

1 See AIHW Family domestic sexual violence <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-data/contents/what-services-or-supports-do-those-who-have-experienced-family-domestic-and-sexual-violence-use/crime-rates-for-family-and-domestic-violence> accessed 22 June 2023

2 See ABS – "Family and domestic sexual assault up by 13%" <https://www.abs.gov.au/media-centre/media-releases/family-and-domestic-violence-sexual-assault-13> accessed 22 June 2023

rise during the periods of enforced isolation.<sup>3</sup> The effect on OCIC of continued high rates of FDV is it is likely there will be continued growth in applications concerning FDV. This could be for a number of reasons including the following.

First, increased awareness of claiming for FDV. Awareness arises for the following reasons:-

- i. High profile activism in relation to FDV. In 2015 Rosie Batty was named Australian of the Year. Her activism in relation to FDV is now well known. She heads the Luke Batty Foundation and is a founding member of the Council of Australian Governments Advisory Panel on Preventing Violence Against Women. She has assisted in raising issues in relation to FDV and creating greater awareness in this area. Other groups include for example:
  - a) Australian Women against Violence Alliance
  - b) Movement against Domestic Violence
  - c) Domestic Violence Prevention Centre
  - d) White Ribbon Australia
  - e) Respect.gov.au

The effect of the continued growth in activism in relation to FDV issues is an increase in information and resources available to potential applicants. Those resources often include reference to victim support and compensation ultimately leading to an increase in claims for compensation with the OCIC.

- ii. Published research – there is now a large body of research in

relation to FDV issues accessible by Governments and the legal profession, which has led to numerous law reforms and informed Government in relation to policy generally.<sup>4</sup> This has resulted in a greater understanding of the effects of FDV on victims, police responses and policies, under-reporting issues, and specific issues concerning indigenous women.

- iii. Changes in police practices – OCIC Assessors observe changes in police practices in the reporting and collation of FDV matters.

Second, there are several events, reports and court decisions which have brought the issues relating to sexual abuse to increased public attention. These include:-

- i. The Report of the Royal Commission into Institutional Responses to Sexual Abuse<sup>5</sup> published in 2017 with the unredacted report later tabled in Federal Parliament in 2020 with the subsequent establishment of the National Redress Scheme. The recommendations of the Royal Commission also lead to amending legislation in relation to common law access for survivors of sexual abuse. It is highly likely the publicity surrounding these matters prompted a continuation of historic sexual abuse claims with the OCIC for those victims who were subject to abuse in non-institutional settings.
- ii. High-profile common-law actions – a number of cases have been decided by the District Court in

Western Australia<sup>6</sup> which have received extensive publicity and prompted increases in common law actions due to the large awards of damages made. These cases have also influenced claiming with the OCIC as they inform potential claimants of the potential for historic claims.

- iii. High profile criminal prosecutions for alleged sexual assault – examples of this include the Brittany Higgins matter, the conduct of ex-WA police officer, Adrian Moore and Western Australia's inquiry into sexual harassment of women in the mining industry.
- iv. Claims involving sexual abuse often involve investigation into other forms of abuse and neglect of children which has the affect of prompting related claims to the OCIC for child neglect, assault and related offences.

Further, publicly available data<sup>7</sup> in relation to crime rates in Western Australia show continued growth in violent crime. For example, crimes against the person have risen an average of 16.7% over 5 years and family related offences have risen an average of 33% over 5 years. As OCIC entitlement is premised on proof of injury consequent upon the commission of an offence, the increase in violent crime will have a direct effect on OCIC workloads and will be reflected in increased claims, particularly in light of Western Australia's continued population growth<sup>8</sup>. This trend is already being experienced within the OCIC as borne out by our statistics.

3 See Australian Institute of Criminal Statistical Bulletin 28 "The prevalence of domestic violence amongst women during the Covid-19 pandemic." [https://www.aic.gov.au/sites/default/files/2020-07/sb28\\_prevalence\\_of\\_domestic\\_violence\\_among\\_women\\_during\\_covid-19\\_pandemic.pdf](https://www.aic.gov.au/sites/default/files/2020-07/sb28_prevalence_of_domestic_violence_among_women_during_covid-19_pandemic.pdf) accessed 22 June 2023

4 For example, changes to laws of evidence, jury directions, and criminal offences. In relation to the latter specific offences in relation to impeding normal breathing/strangulation and serial FDV offender offences are notable.

5 See Royal Commission into Institutional Responses to Sexual Abuse Royal Commission into Institutional Responses to Child Sexual Abuse ([childabuseroyalcommission.gov.au](http://childabuseroyalcommission.gov.au)) accessed 23 June 2023

6 For example, *Lawrence v Christian Brothers* [2020] WADC 27 and recent decision in the matter of Barry Cable

7 See Western Australian Police Force Crime Statistics *Crime Statistics | Western Australia Police Force* accessed 23 June 2023

8 See Australian Bureau of Statistics *National, state and territory population, December 2022 | Australian Bureau of Statistics (abs.gov.au)* accessed 23 June 2023

As for the types of claimants, many arise from workplace assault and injury. A number of occupational groups frequently make claims for compensation because of work related assault or injury. These include the following;

- i. Police officers
- ii. Prison officers
- iii. Public Transport Authority officers
- iv. Security officers (nightclubs, shopping centres etc)
- v. Hospital and ambulance staff

These occupational groups are often in harm's way<sup>9</sup> and are subject to workload and staffing pressures. They are affected by higher rates of crime, incarceration, hospitalisation and the like. Currently all those factors are at play and the OCIC has experienced an increase in claims from these groups.

With these trends in mind and an ever-increasing case load, the OCIC has reached peak performance on current staffing levels and it is anticipated will be unable to maintain current processing times with the growing number of applications lodged, on hand and anticipated. This was identified as an expected outcome in the 2023 to 2025 strategy which identifies ways to address this trend. The OCIC seeks to continue with the positive trajectory experienced over the last 3 years and has revisited its vision and mission statements and created new objectives in the next business strategy spanning 2023 to 2025. Most importantly, the OCIC is taking a proactive approach to staff wellness to help prevent or reduce the prevalence of burnout, vicarious trauma or employee dissatisfaction. The need for additional staff has been anticipated, including an additional Assessor resource as well as 2 or 3 additional staff, mostly in the Recoveries section of the OCIC to improve outcomes. With additional resources comes the need for additional office space to accommodate our staff in providing consistent services to victims of crime in Western Australia.

The flow on effect of improved processes and increased finalisations is an increase in the workload of the Recoveries section of the OCIC. As such, this year we developed a separate business strategy for the Recoveries team to improve staffing structures, streamline processes and improve outcomes with the ultimate goal of exploring legislative change to allow offenders to meet their debt obligations to the State in alternative ways other than the payment of money. The strategy will allow the OCIC to take a more proactive and targeted approach to Recoveries outcomes and service delivery.

The OCIC remains committed to the implementation of the Department's Reconciliation Action Plan, with "action" at its heart. As such, with the support of the Department, I completed a Graduate Certificate in Aboriginal Studies with the University of Notre Dame in 2022/2023 completing 4 units across the year including a CIC specific self-selected research unit, the final result of which will hopefully be published in the future. It is anticipated the knowledge gained in this course will support the internal development of cultural awareness training for OCIC employees including guest speakers and external stakeholder engagement.

In addition, the OCIC continues to support Aboriginal Business trainees to complete their studies and qualifications in Government administration with the inclusion of a trainee from this program within the OCIC. This year marks the third year the OCIC has participated in this program and it has been a mutually beneficial experience for our staff and the trainee.

Of course, none of the work performed by the OCIC can occur without our dedicated, amazing staff. In particular, I extend to Assessor Robert Guthrie my enormous thanks and heartfelt appreciation for his assistance and dedicated service to

victims of crime in Western Australia over the last 14 years. He has brought with him a wealth of experience, knowledge and expertise, has been dedicated to educating us and the community in many aspects of compensation law, has continued to publish academic and legal publications and, more particularly has been instrumental in collating, analysing and articulating the abovementioned broader statistical data. This year, to the sadness of us all, Assessor Guthrie announced his retirement. He has seen many changes within the OCIC including working from an exclusively paper-based system to an almost exclusive electronic case management system. With his experience and background both in private practice and academia, he has been an enormous asset to the OCIC and a great support to myself in meeting the needs and objectives of the OCIC.

Finally, I would like to say some words about wellness in the context of professional collegiality. The OCIC is dedicated to maintaining and improving staff wellness and seeks to interact with our stakeholders in a collegiate, respectful, kind and professional manner. Our colleagues are under enormous and increasing pressure to carry out the very tasks they are employed or professionally obliged to do in an ever increasing environment of public accountability. It is important, therefore, particularly as judicial officers, we work out the best way to extend kindness and professionalism to our colleagues and deliver constructive messages in a positive, rather than critically negative way. I thank each and every staff member concerned for providing such an environment within the OCIC.



**Charmaine Holyoak-Roberts**  
Chief Assessor  
Criminal Injuries Compensation

<sup>9</sup> See Guthrie R (2020) Victim/survivors of crime in the workplace: interactions between workplace injuries and criminal injuries compensation and financial assistance Psychiatry Psychology and Law. 2020; 27(2): 214-233.



# Our projects

The OCIC continues to improve service delivery by undertaking a number of projects outlined below.

## Aboriginal Justice Program Open Days

The OCIC continued to explore ways to deliver services in alternative ways to the community. Expanding upon our participation in the Department's Aboriginal Justice initiatives the OCIC worked with Wungening Aboriginal Corporation, Pat Giles Centre for Non-Violence and Saint Pats to deliver targeted services to vulnerable applicants who otherwise would not or would not be able to access our services. These programs continue to be facilitated by the attendance of an Assessor and case manager to deliver OCIC's services in a trauma informed manner. Regionally, this year our program was delivered to communities in Carnarvon, Meekatharra/Mt Magnet/Mullewa/Geraldton/Karratha, Katanning/Albany/Mt Barker, and Esperance/Norsman/Kalgoorlie.



Mt Barker



Albany Whaling Station

## Staff Training

OCIC Assessors have continued to deliver diverse training to OCIC staff calling in external speakers to talk about the services our stakeholders provide and other important matters for consideration. In addition, formal induction training modules for new staff have now been developed. In conjunction with the Department's broad cultural awareness training, the OCIC is planning to develop OCIC specific cultural awareness training in the coming year as well as developing and delivering training around a holistic management approach to wellness.

## Aboriginal Business Traineeship

This year we saw another of our Aboriginal Trainees complete the Certificate III in Government or Business and graduate from the Aboriginal Business Traineeship. Subsequent to completion of the certificate, she went on to enrol in and complete a university ready course and subsequently enrol in a university degree. We are continuing to support our fourth Aboriginal Trainee in his completion of the Certificate III and acknowledge and value the knowledge and perspective

he provides to our office. With the support of the Department and the program, we would very much like to continue to provide support and opportunities to Aboriginal trainees in the future and to increase the representation of Aboriginal and Torres Strait Islander people in OCIC's workforce.

## Online Applications and eLodgment

This year eLodgment was made mandatory for solicitors lodging claims on behalf of applicants. Self-represented applicants retained the choice of alternative lodgment methods so as not to be unfairly disadvantaged. This year, approximately 82.5% of applications lodged with the OCIC were lodged via the eLodgment facility. This has assisted the OCIC to maintain streamlined processes, continue to improve upon processing times and provide improved data security and confidentiality. In addition, our third party stakeholders called upon to provide documents to the OCIC have embraced the eLodgment facility allowing documents to be directly loaded into the OCIC's case management system.



Flowers at The Granites

### Community Service

During the year Assessors have participated in a number of public speaking engagements and education and training opportunities, including:

- the John Curtin Institute of Public Policy;
- Curtin University;
- the Aboriginal Family Law Service;
- Community Legal Services' Quarterly CLE day;
- the SCALES Community Legal Centre seminar series;
- the ANZAPPL seminar series;
- the Legal Aid Commission of WA CLE day;
- the LegalWise Seminar series;
- the Murdoch University Indigenous Law Unit;
- Albany Community Legal Centre;
- Citizens Advice Bureau;
- Complex Trauma WA Inc;
- the Department of Justice; and
- delivery of seminars to remote and regional stakeholders.



The Granites

In addition, the OCIC continues to provide opportunities by way of internships for Murdoch University Law Students to complete research work in the area of criminal injuries compensation law, to contribute to the degree program.



# Future projects

To further the objectives identified in the Business Strategy, the OCIC has been planning for the roll out of projects in the next financial year. These include the following.

## Implementation of the Recoveries Business Strategy

A number of objectives specific to the Recoveries section of the OCIC have been identified for implementation. Primarily, for the coming financial year, the OCIC is seeking to improve the Recoveries case management system to streamline processes and improve reporting, collection of data and statistical analysis. In addition, the OCIC will be working with the Corrective Services arm of the Department of Justice to deliver seminars and provide information to incarcerated offenders and community corrections officers regarding the management of any recoveries debt before they are released from prison.



Flowers at The Granites



Sunset at Mt Magnet

## Cultural Awareness Project

Following the development and implementation of the Aboriginal Justice Program and in line with the Department's Reconciliation Action Plan, the OCIC is continuing to develop a cultural awareness training program pending the completion of the Department wide cultural awareness training. The Chief Assessor having now completed the Graduate Certificate of Aboriginal Studies it is anticipated an OCIC specific training program will be developed in the 2024 calendar year.

# Office of Criminal Injuries Compensation overview

Located at Level 10, Golden Square, 32 St Georges Terrace, Perth, the Office of Criminal Injuries Compensation (OCIC), is established pursuant to the *Criminal Injuries Compensation Act 2003* (the Act).

The OCIC is a specialist tribunal providing a flexible, informal and responsive approach to determining applications for compensation by victims of crime in a trauma informed manner, acting in an informal and expeditious manner. The tribunal consists of the Chief Assessor and 3 Assessors together with case managers, recoveries officers and clerical staff. To qualify for appointment, the Chief Assessor any Assessors are required to be an Australian Lawyer of at least 8 years' legal experience. Most applications are determined on the papers in a non-adversarial fashion, without the need for a hearing. Assessors are not bound by the rules of evidence in assessing applications and have inquisitorial powers to inform themselves in any manner they see fit.

Applicants can claim compensation for injuries and some losses suffered as a consequence of an offence or alleged offence. Compensation can be awarded for bodily harm, mental and nervous shock and pregnancy and includes pain and suffering and loss of enjoyment of life. The maximum amount payable is \$75,000.00 for an offence committed in Western Australia after 1 January 2004, and lesser amounts for offences committed prior to that. Where there are multiple offences or alleged offences perpetrated by the same offender over a period of time, an applicant can be entitled to a maximum of \$150,000.00.



Sunset at Mt Magnet

Interim payments of up to \$2,250.00 can be made for medical reports or treatment costs which can facilitate the applicant accessing urgent treatment. Interim payments are also available for funeral expenses which are paid in full if reasonable and can be made on an urgent basis.

Priority is given to applicants who are over the age of 70 years and secondary victims of offences where the offence caused the death of the primary victim.

The OCIC supports victims of crime by determining claims for compensation and providing financial assistance in a trauma informed manner to:

1. Acknowledge their pain and suffering by a lump sum payment; and
2. Provide for some losses including loss of income, the cost of reports, treatment expenses and some personal items damaged in the commission of the offence.

The data contained in this annual report is based on the most accurate statistics obtained at the time of preparation of the report from ICMS.

The ICMS system is a live data capture system which means data may change from time to time, depending upon data entry processes and delays. The OCIC continues to improve processes and procedures to best capture and record live data.

In addition to its core business areas of awards and recoveries, the OCIC has continued to have an active role in the provision of information relevant to applicants for National Redress, responding to a large number of requests for information from the Office of the Commissioner for Victims of Crime which co-ordinates the provision of information to the Commonwealth body.

## Who Can Apply

Assessors can award compensation under the Act to any person who has suffered injury as a consequence of an offence or alleged offence. The offence may be proved by a conviction in a criminal court or if an alleged offender has not been charged or the case not completed in court the Assessor may make and award if they are satisfied an offence has occurred. Payments can be made to primary victims, that is, those victims injured as direct result of the offence and in certain circumstances to secondary victims who were present when or immediately after the offence was committed or who qualify as close relatives of the injured or deceased victim.

## The Application Process

Applications are currently received in paper form, by email using the OCIC's application form, available at [https://courts.justice.wa.gov.au/\\_files/criminal\\_injuries\\_compensation.pdf](https://courts.justice.wa.gov.au/_files/criminal_injuries_compensation.pdf) or via electronic means using the eCourts portal available on the OCIC's website <https://cict/justice.wa.gov.au>. There is no fee payable to make an

application to the OCIC. Applications ought to be lodged within 3 years of the offence though in some circumstances Assessors can extend this timeframe. Applications should be lodged with supporting documents, including medical and other health professional reports, evidence of any losses (such as loss of wages or costs incurred in treatment), a statement of circumstances of the incident and a victim impact statement.

Once the application is received, the Senior Case Manager will allocate it to a Case Manager who will review the application before referring it to the Assessor. The Assessor may reject the application for a variety of reasons. Alternatively, the Assessor may accept the application in which case information requests will be made about the incident and prosecution (if there was one) to help determine whether an offence has occurred. Requests may also be made for other information, such as medical and hospital notes, depending on the application. Almost all claims are determined on the material provided to or obtained by the Assessor.

The process of case management and assessment takes time, which varies according to the complexity of the application and workload within the OCIC. Finalisation of applications is delayed if the Assessor is awaiting the outcome of a criminal investigation or prosecution, required to make further inquiries about the incident, the injury or losses, if the Assessor determines a hearing is required or if there is a delay in the applicant providing information to the OCIC or responding to inquiries by the Assessor. Processing times for the 2022 year are identified in this report.

## Staff

The team at the OCIC consists of 4 full time assessors and 21.1 full time equivalent administrative (FTE) employees, including staff working on recovery of compensation payments from convicted offenders (the Recoveries Office).

### Key data for 2023

- 8,907 new applications for compensation were received.
- 7,589 applications were accepted for processing, an increase of 20%.
- 6,344 applications were finalised, a decrease of 17.7%.
- 5,203 awards were made to a total value of \$83,237,979.00 a decrease of 20%.

The average award was \$15,803.00.

- 428 applications were refused.
- 9 hearings were held into applications for compensation.

The caseload increased by 2,332 to 6,786 applications on hand, an increase of 52.4%.

- \$2,269,094.00 of debt owed to the State was recovered, a decrease of 6.5%
- 2,659 finalised applications arose from offences involving family and domestic violence, being 48% of the finalised applications.

### Statistical profile

	2018/19	2019/20	2020/21	2021/22	2022/23
New Applications received	3,626	3,615	5,612	7,555	8,907
Accepted Applications	2,753	3,096	4,979	6,320	7,589
Rejected Applications	873	519	633	1,235	1,318
Resubmitted Applications	55	719	727	1,177	1,663
Awards granted	1,829	2,488	4,777	6,475	5,203
Applications refused	345	481	536	543	428
Applications closed or discontinued	199	204	280	681	700
Applications outstanding at 30 June	4,311	5,502	4,949	4,454	6,786

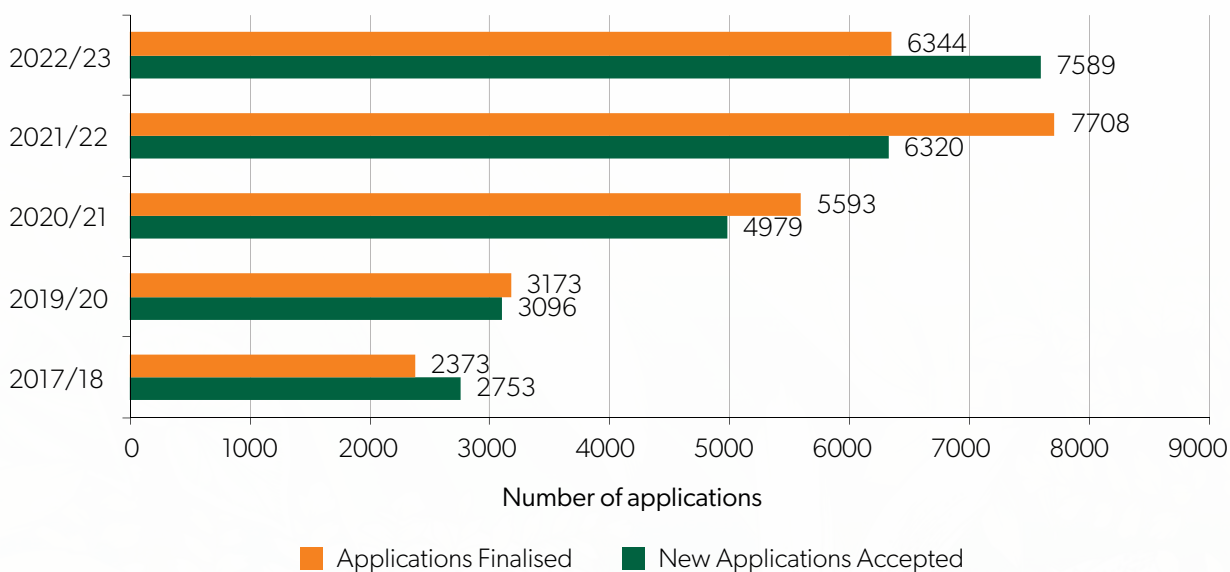


# Statistical data

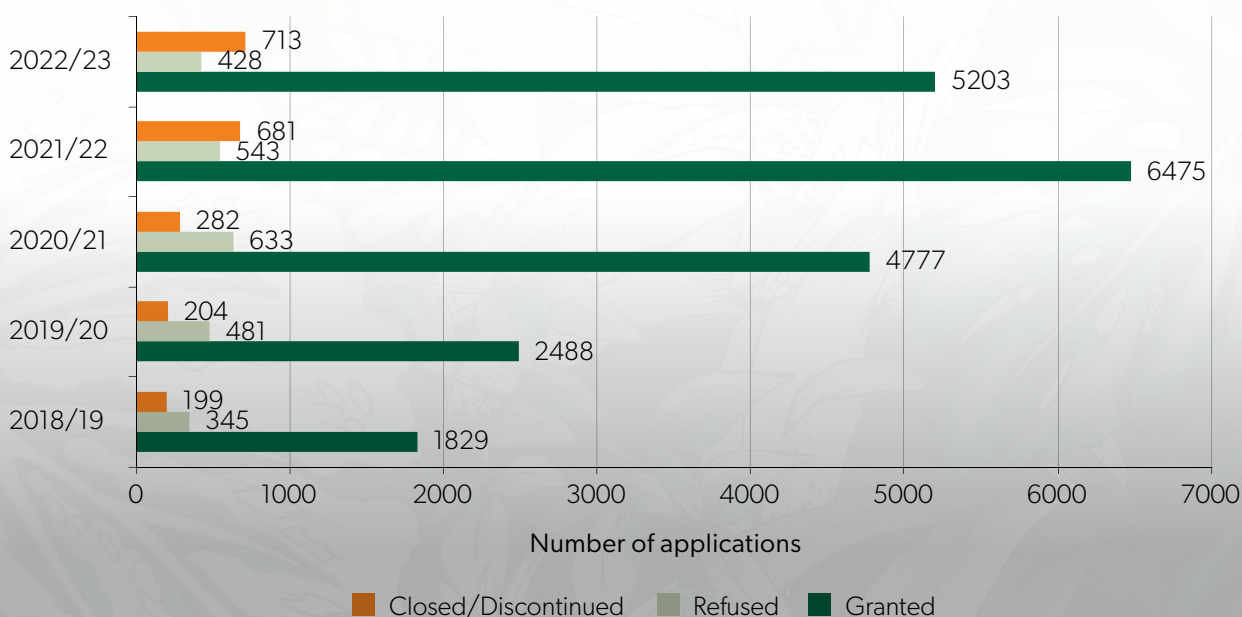
## New applications received

During 2022/23, 7,589 new applications were accepted for processing, 1,269 more than in the previous year. In 2022, 7,708 applications were finalised, and in 2023, 6,344 were finalised, a decrease of 1,364. The case load increased this year by 2,332 applications.

### Applications accepted and finalised 2018/19 to 2022/23



### Claims finalised 2018/19 to 2022/23

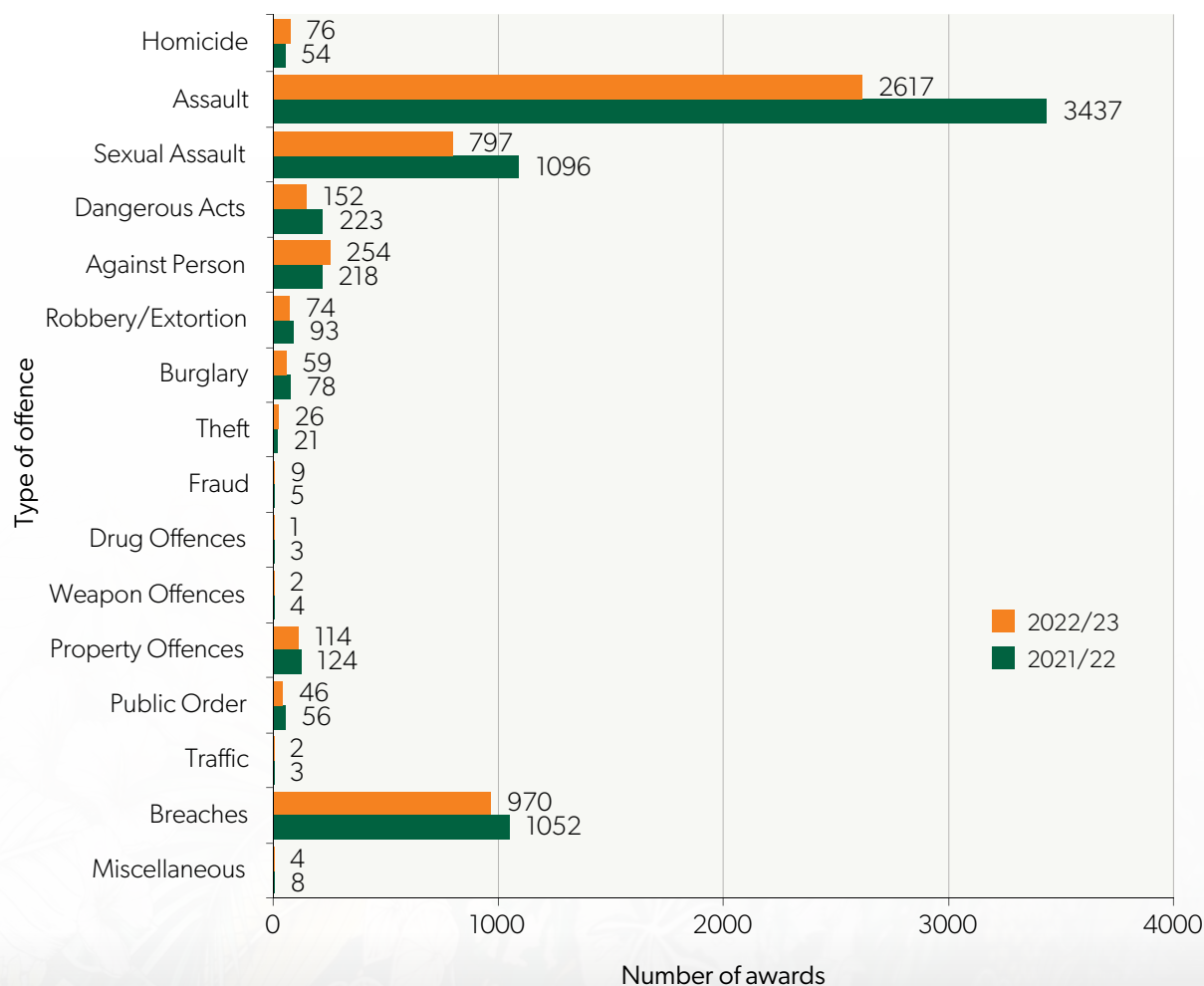




### Nature of offences involved

The chart below illustrates the types of offences for which awards were made, with a comparison between 2021/22 and 2022/23.

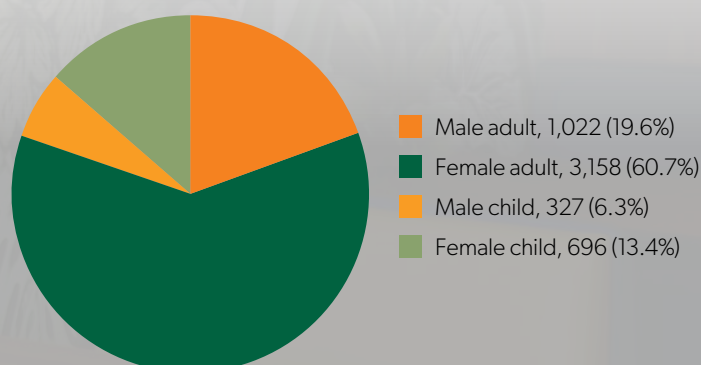
*Offences for which awards were made 2021/22 to 2022/23*



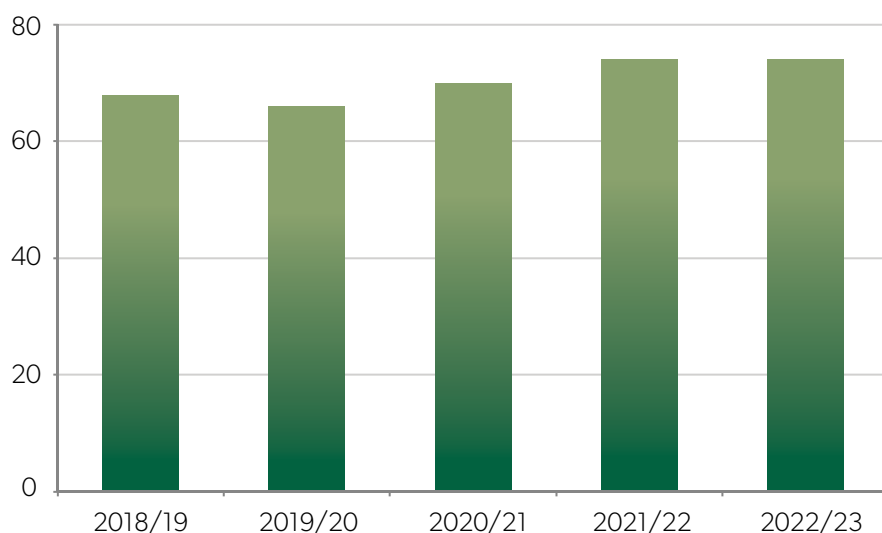
### Number of males and females to whom awards were made

The following chart shows the gender of persons to whom awards were made and the number of adults and children involved. Overall, 26% of recipients were male and 74% female, (this is down slightly from 74.4% 2021/2022). The consistently high number of female applicants is likely connected with an increase in female applicants for incidents of family and domestic violence.

*Gender of recipients 2022/23*  
Number of awards made (total 5,203)



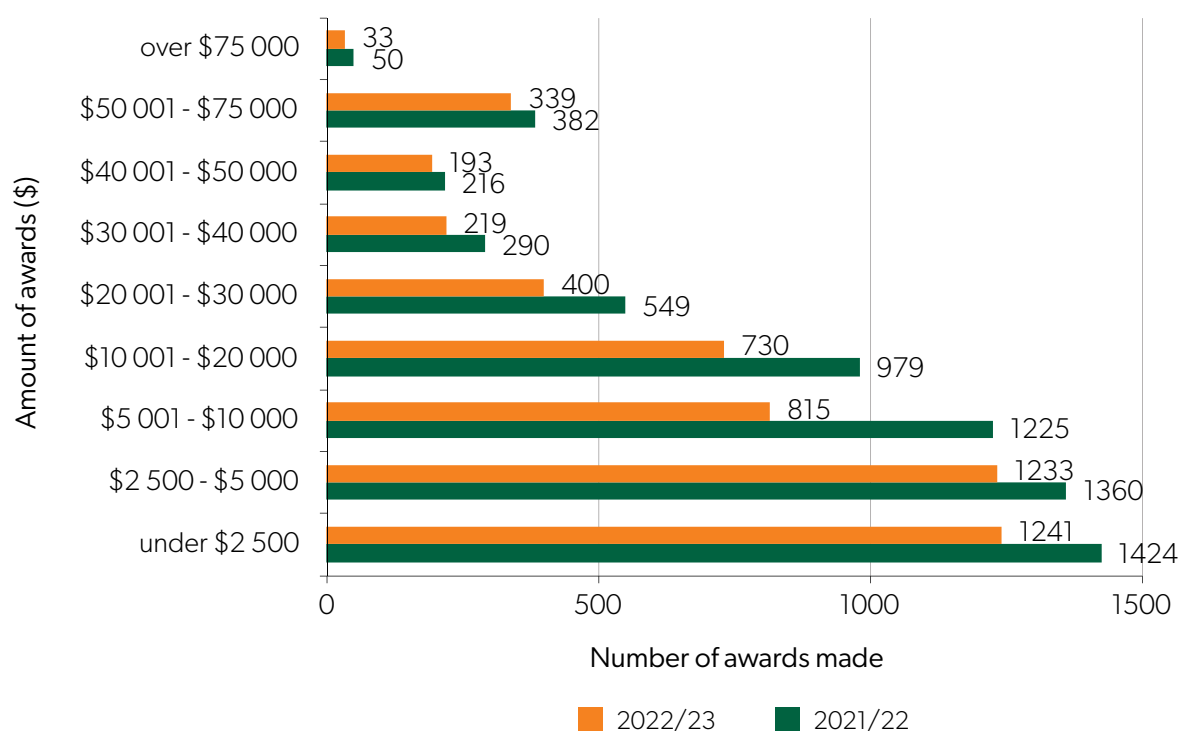
*Percentage of female applicants*



### Range of awards made

The chart below illustrates the monetary range of awards made, with a comparison between 2021/22 and 2022/23. The fact that the significant majority of applicants are compensated at a figure below the available maximum indicates the scheme is adequately compensating the majority of applicants.

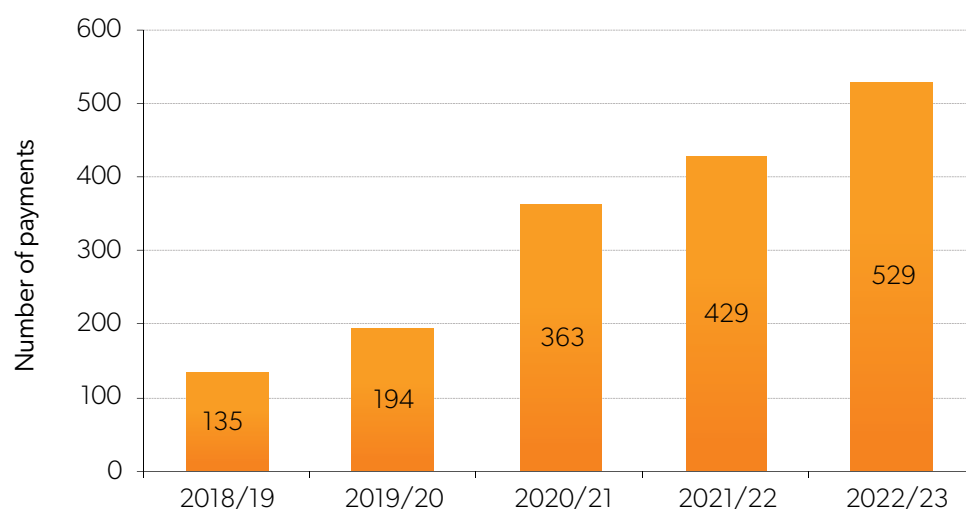
*Range of monetary awards 2021/22 and 2022/23*



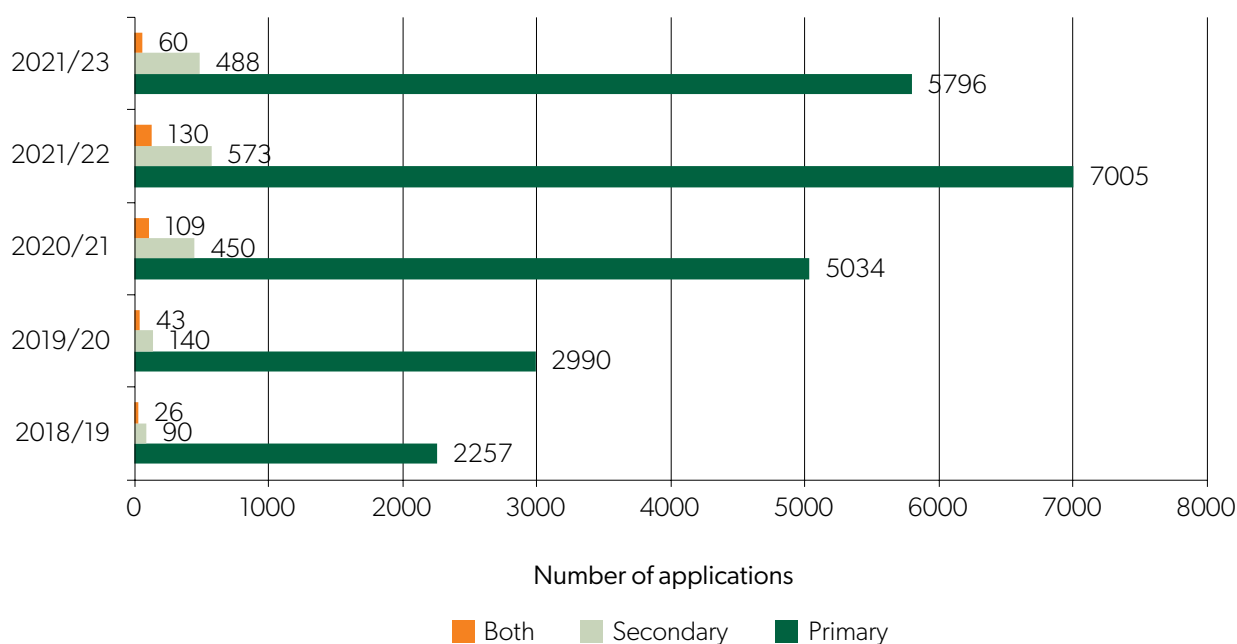
## Interim payments

An Assessor may authorise an interim payment before the finalisation of a claim, to a maximum of \$2,250.00 for expenses incurred as a consequence of a death or injury. The table below shows the number of applicants to whom interim payments were made.

*Interim payments made 2018/19 to 2022/23*



*Primary and secondary victims 2018/19 to 2022/23*



### Funeral expenses

In 2021/22 the OCIC received 54 applications arising from a homicide, and in 2022/23 there were 76 applications. In 2021/22, 10 applications for compensation for funeral expenses were received and compensation totalling \$81,940.00 was paid, at an average of \$8,194.00 per claim. In 2022/23 there were 2 claims for compensation for funeral expenses and compensation totalling \$9,330.00 was paid, at an average of \$4,665.00 per claim. A decrease in claims for funeral expenses is likely attributed to the Departments Homicide Funeral Assistance Scheme for death as a result of murder, manslaughter or unlawful assault.

### Representation

The last 12 months has seen the proportion of applicants having legal representation decrease slightly to 60% of applicants being represented, comparable to the previous year.

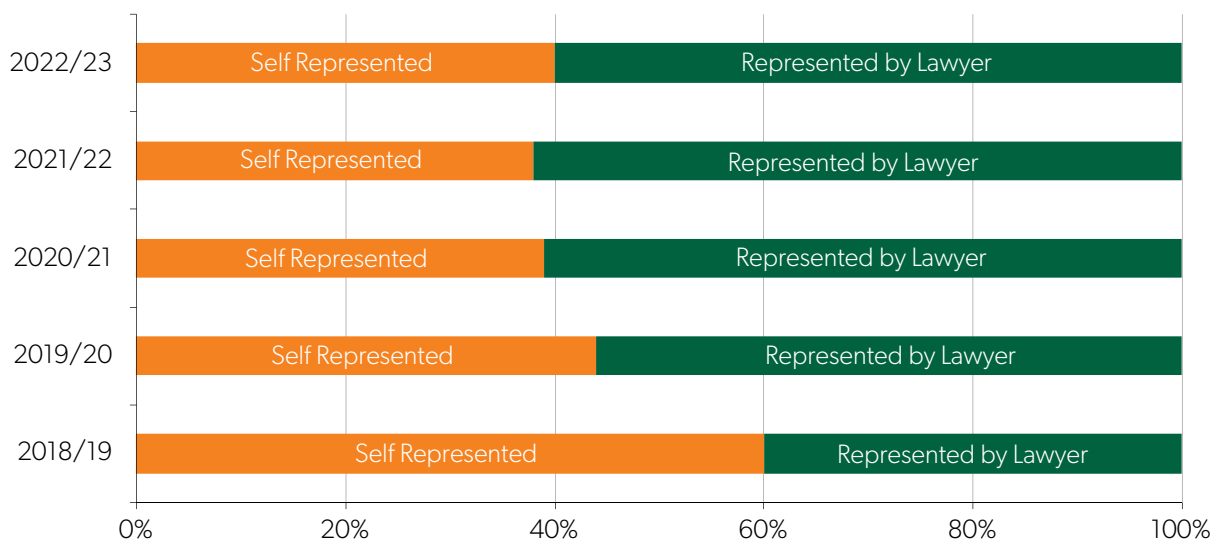
### Appeals

13 appeals were lodged with the District Court following the determination of a compensation application. 16 appeals were finalised and of these 7 were successful, 4 were unsuccessful, 0 were abandoned and 5 were discontinued.



Tha Gap, Albany

### Representation 2018/19 to 2022/23





## Refusals

Awards were refused on 428 applications, for the reasons detailed below. Of these refusals, 282 (51.8%) relate to matters involving allegations of family and domestic violence. This represents a decrease in the percentage of refusals relating to family and domestic violence from 54.6% in the previous year.

Section of Act	No. of refusals	Family and domestic violence matters refused	Reason for refusal
No Jurisdiction	25	16	No Jurisdiction
No Reason Given	0	0	No Reason Given
Section 10(1)	10	10	Death of person entitled to compensation ends entitlement
Section 12(1)	16	9	Proved offence
Section 12(2)	0	0	Proved offence - Personal representative of the deceased
Section 13(2)	29	22	Alleged offence: acquittal
Section 13(3)	0	0	Alleged offence: acquittal - Personal representative of the deceased
Section 13(4)	0	0	Alleged offence: acquittal – Alleged offence committed by a person other than the person acquitted
Section 13(5)	0	0	Alleged offence: acquittal - Alleged offence to be taken not to have been committed if person not criminally responsible
Section 16(2)	4	1	Alleged offence: charge not determined
Section 17(2)	160	132	Alleged offence: no person charged
Section 17(5)	0	0	Alleged offence: no person charged - Not criminally responsible
Section 21(1)	0	0	Applicant may be required to enforce other remedies
Section 35(2)(a)		0	Mental and nervous shock, compensation for limited to certain persons - Bodily harm/Pregnancy
Section 35(2)(b)	1	0	Mental and nervous shock, compensation for limited to certain persons - Victim
Section 35(2)(c)	1	0	Mental and nervous shock, compensation for limited to certain persons - Victim personally present
Section 35(2)(e)	0	0	Mental and nervous shock, compensation for limited to certain persons - Victim close relative and living with
Section 35(3)	3	0	Mental and nervous shock, compensation for limited to certain persons - Victim committing offence
Section 36	0	0	No award if compensation likely to benefit offender
Section 37	2	1	No award if injury is from motor vehicle in certain cases
Section 38	28	19	No award if applicant did not assist investigators
Section 39(1)	53	32	No award if victim was engaged in criminal conduct
Section 39(2)	1	0	No award if victim was engaged in criminal conduct - Personal representative of the deceased
Section 40(2)	6	5	No award if compensation already awarded or refused
Section 40(3)	0	0	No award if compensation already awarded or refused - Personal representative of the deceased
Section 41	8	5	Behaviour etc. of victim to be considered
Section 42(2)	8	0	Insurance payments etc. to be deducted from award - Loss
Section 42(3)	10	0	Insurance payments etc. to be deducted from award - Injury or loss
Section 42(4)	0	0	Insurance payments etc. to be deducted from award - Injury or loss Personal representative of the deceased
Section 9(2)	59	30	Time limit for making compensation application

\* An extension of time was granted on 767 applications.

## Reductions to Awards for Contribution

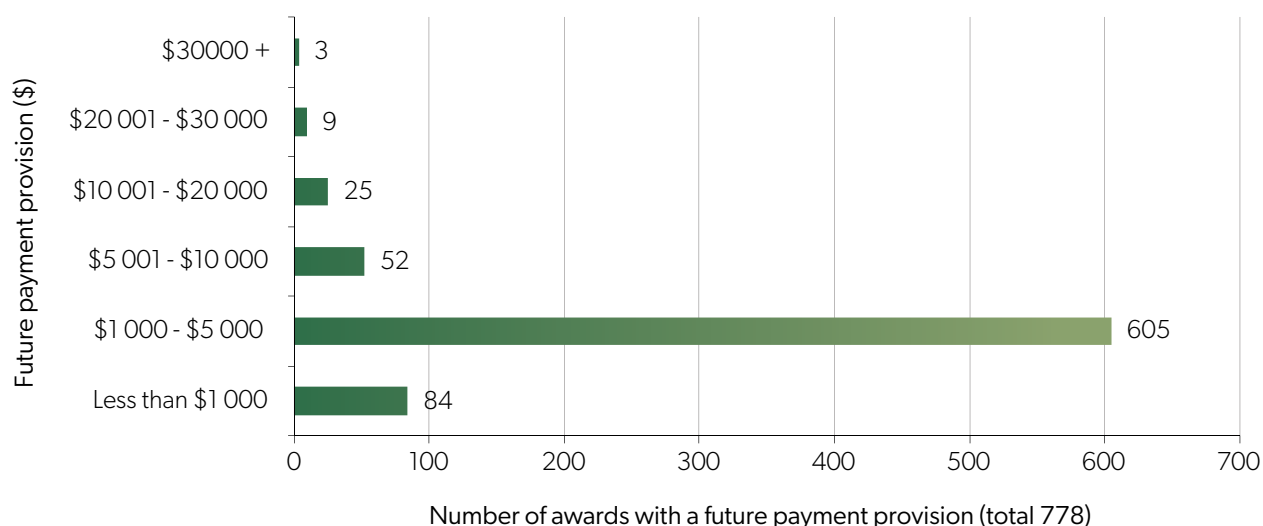
Section 41 of the Act requires regard be had to “any behaviour, condition, attitude, or disposition of the victim that contributed, directly or indirectly, to the victim’s injury or death”, and authorises the assessor to refuse or reduce the award. Reductions for contributory behaviour, ranging from 15% to 50%, were made in 14 awards during 2022/23. Of these, 2 awards were reduced by 20% or less and 10 awards were reduced by over 20%. 4 applications were refused for contributory behaviour. One of the applications on which a reduction was made for contributory behaviour involved family and domestic violence.

## Future payments provision

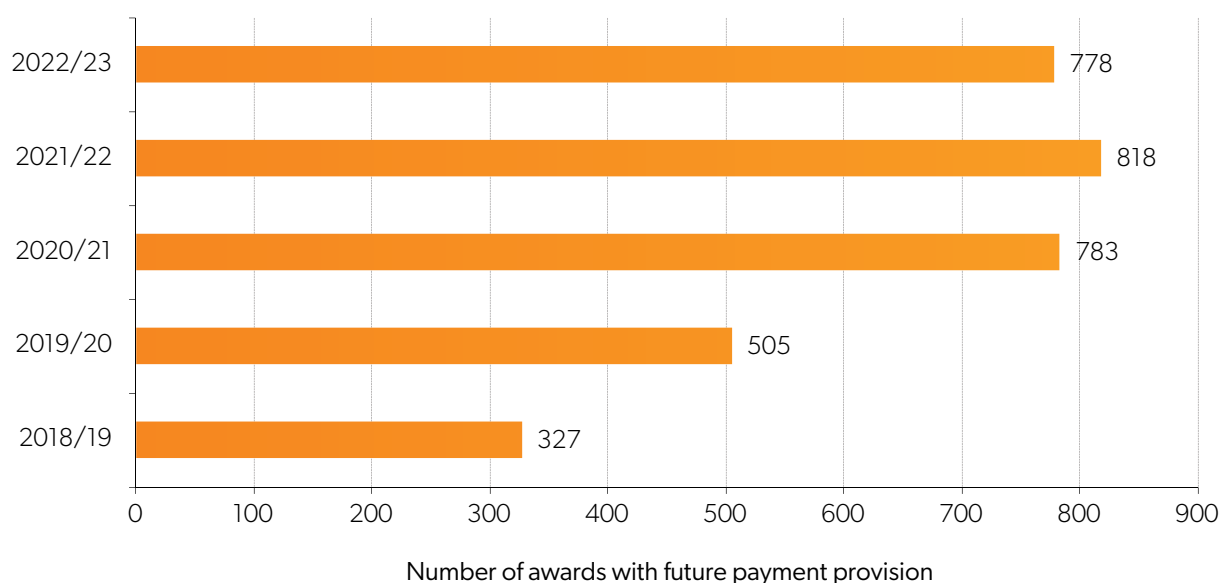
As part of an award, an Assessor may make provision for future treatment costs, which can be claimed by the **applicant when relevant costs are incurred within 10 years of finalisation of the application**. Pursuant to section 48 of the Act, payment is not made until expenses have been incurred and any available Medicare or private health insurance rebate has been claimed. Payment may only be authorised by an assessor if the expense was incurred before the expiry of 10 years after the date of the award or after the date the applicant reached 18 years of age, whichever is the later. The amendment to the Act which introduced the 10 year limit on claims against a future treatment provision came into effect on 31 July 2008, and therefore began to have an effect on the entitlement to claim from 31 July 2018.

In 2022/23 provision was made in 778 awards for future treatment expenses totalling \$2,563,453.67 increasing the total provision made under the Act since 1 July 2004 to \$25,634,789.49. Of this, \$543,124.15 was paid out in 2022/23 bringing the total paid since the commencement of the Act on 1 July 2004 to \$4,598,468.07.

### Range of future payments provision 2022/23



### Future payment provisions 2018/19 to 2022/23



## Performance measures

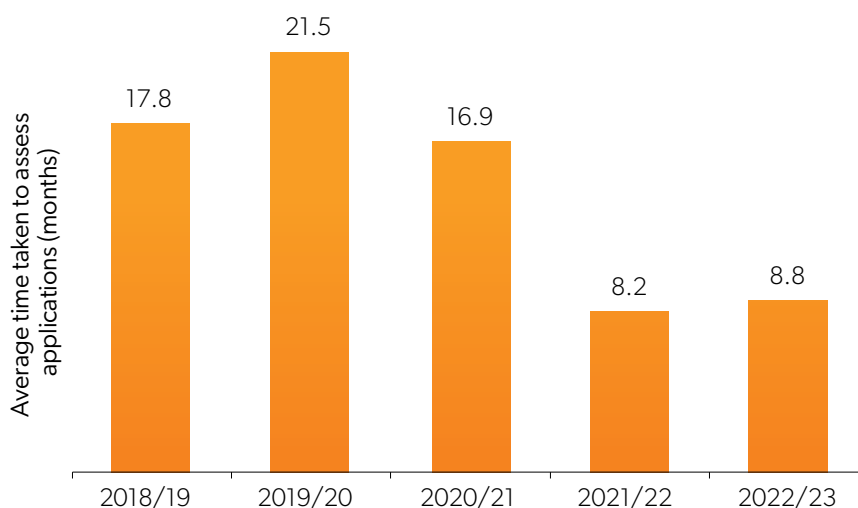
	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Annual
Lodgements Accepted	1,419	1,778	1,981	2,411	7,589
New Applications	1,698	2,149	2,326	2,734	8,907
Finalisations	1,255	1,634	1,680	1,775	6,344
39 weeks and less	788	1,025	1,103	1,195	4,111
39 to 52 weeks	154	164	206	194	718
52 weeks or more	313	445	371	386	1,515
Listings matters heard	113	80	94	80	367
Cases on hand	4,874	5,287	6,008	6,786	6,786
39 weeks and less	3,898	4,160	4,880	5,550	5,550
39 to 52 weeks	414	542	467	506	506
52 weeks or more	562	585	661	730	730
Applications New and Resubmitted	2,035	2,501	2,993	3,041	10,570
Applications Rejected	279	371	345	323	1,318
Applications Resubmitted	337	352	667	307	1,663

### Assessment time

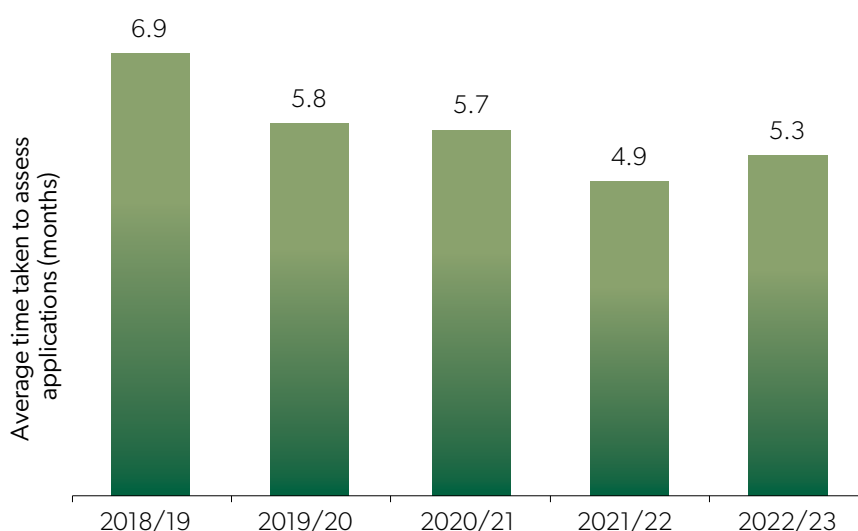
The calculation of the average time taken to finalise an application has in the past been made based only on those applications finalised *in less than 12 months from receipt*. This assumption reflected the likelihood that, in cases which take more than 12 months to finalise, the delay is usually caused by external factors such as ongoing treatment, finalisation of the prosecution, and resolution of other avenues for compensation. On this basis, the assessment time during 2022/23 was 5.3 months. However, the assessment time over *all applications finalised in the financial year* was 8.8 months.

The assessment time table compares the assessment time of applications determined in less than 12 months for the years 2018/19 to 2022/23, with all applications determined in those years. The OCIC works towards consistently maintaining finalisation of 80% of applications within 12 months of lodgement, acknowledging 20% of applications will be delayed as a result of external factors and the complexity of some matters.

Assessment time 2018/19 TO 2022/23 – Files over 12 months



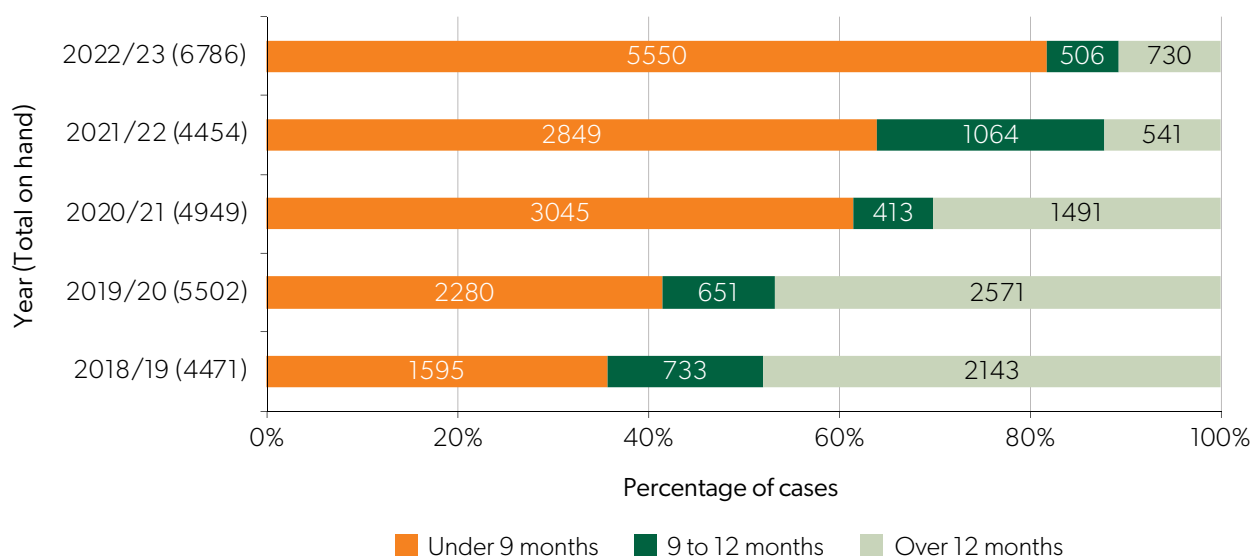
Assessment time 2018/19 TO 2022/23



## Outstanding applications

On 30 June 2023, 6,786 applications were on hand, an increase of 2,332 or 34.4% over the preceding 12 months. The breakdown of the age of the cases on hand in the table below shows that the number of applications which have been in the Office for more than 12 months has increased by 189.

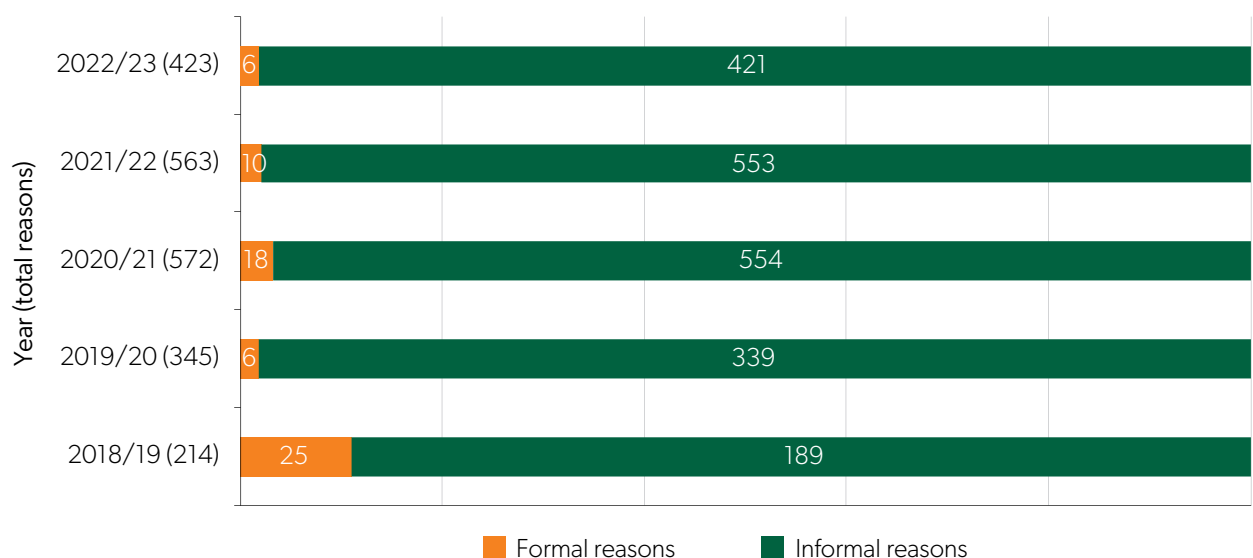
### Applications on hand – 30 June



## 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 by reason of the operation of the legislation an applicant is ineligible for compensation, the applicant may be advised by letter of the reasons for that outcome, rather than in formal written reasons. 423 cases had reasons provided during 2022/23 compared to 563 in the previous year. This represents a 24.9% decrease in reasons provided. The chart below sets out the breakdown of these reasons.

### Reasons provided 2018/19 TO 2022/23





# Recoveries overview

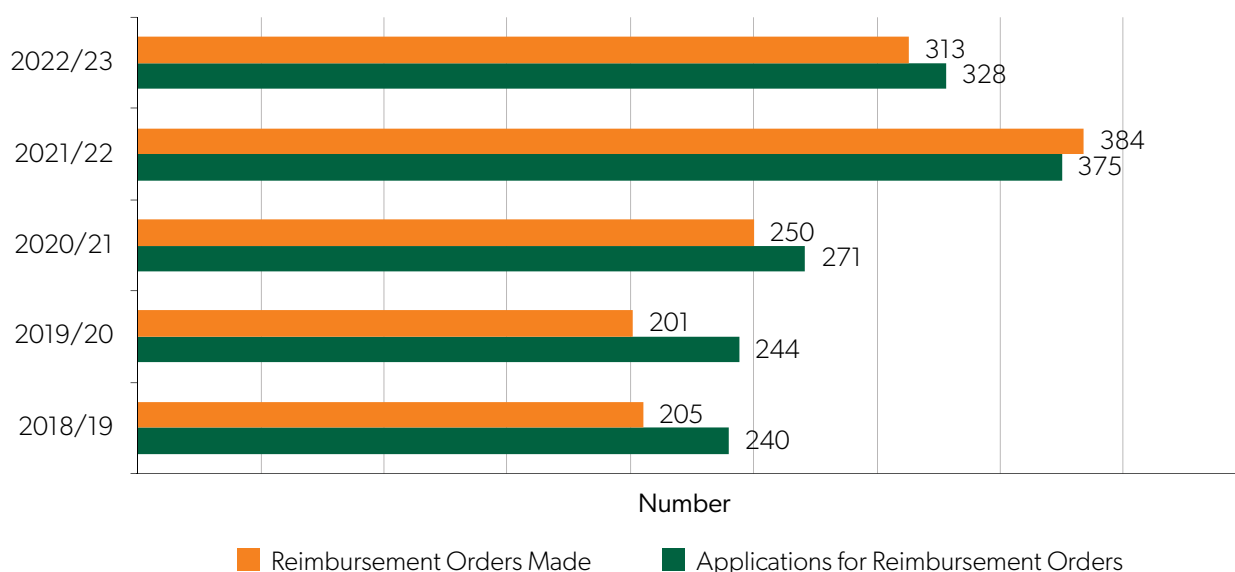
When a compensation award is made in a case where an offender was convicted, the State may apply to an Assessor for a Compensation Reimbursement Order (CRO) to determine whether the offender should be required to repay the amount awarded, to fix the amount of the debt and in an appropriate case to provide for the method of repayment of the debt to the State. The application is listed before an Assessor and the offender is served with a notice advising the date, time and purpose of the application.

The State's opportunity to take action to recover compensation paid to a victim of crime from a convicted offender depends on the determination of the assessor of the appropriate amount of recovery, taking into account all of the circumstances. Issues which are relevant to this determination include, for example, the offender's assets, the impact on the offender's earning capacity of a period of imprisonment and issues relating to the offence itself. Although there is no recoverable debt until a CRO is made, some offenders voluntarily make payment on demand under the Act without the requirement of a CRO.

The table below represents the number of applications for a CRO brought before an Assessor in each of the years listed, and the number of orders made. The number of applications was reduced after 2013 because of the demand on the Assessors' time brought about by the increasing caseload.

In 2022/23, \$2,269,094.00 of debt owed to the State was recovered, compared to \$2,427,435.00 in the previous year. This represents a 6.5% decrease in the amount recovered.

*Reimbursement orders 2018/19 TO 2022/23*



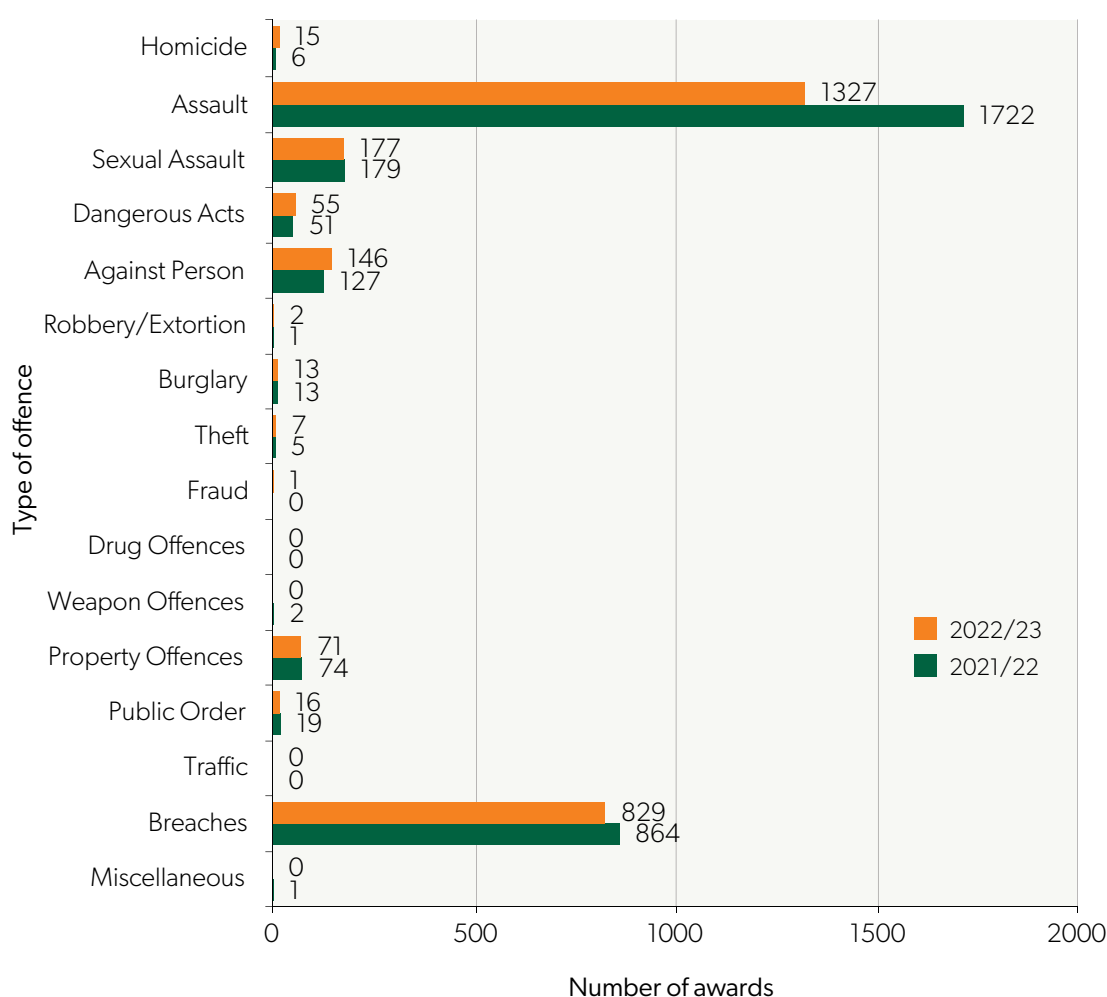
# Family and Domestic Violence

As a result of the recommendations of the Law Reform Commission of Western Australia in the Final Report on Enhancing Laws Concerning Family and Domestic Violence, June 2014, the OCIC began collecting data concerning applications arising from allegations of family and domestic violence. The data below relates to the 2,659 awards granted this year involving family and domestic violence, compared to the data from 2021/22.

## Nature of offences involved

The chart below illustrates the types of offences for which awards were made during 2021/22 and 2022/23 for offences committed in the context of family and domestic violence.

*Offences for which awards were made 2021/22 to 2022/23*



### Domestic violence applications finalised

Victim Type	2021/22	2022/23
Both	32	20
Primary	3,139	2,453
Secondary	111	186

### Domestic violence applications refused

Victim Type	2021/22	2022/23
Both	0	0
Primary	215	273
Secondary	3	9

### Gender of applicants on domestic violence applications

Victim Type	2021/22	2022/23
Both		
Female	3,105	2,521
Male	177	138



Geraldton



GOVERNMENT OF  
WESTERN AUSTRALIA

**OFFICE OF CRIMINAL INJURIES COMPENSATION**

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