



Criminal Injuries Compensation Frequently asked questions

How long do I have to lodge my application?

The *Criminal Injuries Compensation Act 2003* allows for applications to be lodged within 3 years from the date of incident. Where there are multiple incidents involving the same offender, the time limit is from the *last* date of incident.

Any application lodged after the 3 year time limit must be accompanied with a written request for an extension of time giving your reasons why the application is late.

An assessor can only consider the request after a fully completed application is lodged and all necessary documentation is obtained such as police and court records.

What do I need to provide with my application?

Attached to your application you must supply a statement of events, victim impact statement and medical information such as records or reports.

If you are making a claim for losses, you must also supply relevant invoices, receipts and rebate documentation from Medicare and private health insurance. Please see information under “what losses can I claim” for further information.

If the application is submitted without sufficient supporting evidence, you will be notified in writing of the missing information. An application will not proceed without all supporting information being provided and the onus is on the applicant to obtain and provide the information.

Please also note if the police are still investigating the matter or the court proceedings are still ongoing then your application cannot proceed in this office. Please do not submit your application in these circumstances unless you are making a claim for an interim payment or to preserve time in which case we will be able to process your interim payment and put the application on hold until such proceedings are finalised.

What losses can I claim?

Section 6 of the *Criminal Injuries Compensation Act 2003* provides a definition of a loss which includes damage to personal items, medical treatment expenses, report

expenses, loss of earnings, travel expenses (to obtain medical treatment), future treatment expenses and funeral expenses.

Personal items are defined as:

- an item of clothing or footwear
- spectacles or contact lenses used to correct eyesight
- a hearing aid
- artificial teeth
- an artificial limb
- a surgical appliance or implant used to correct or relieve a physical disability or medical condition
- any other item prescribed by the regulations

To make a claim for damaged personal items you must provide a receipt or quote for the cost of replacement for the item.

Please note that stolen items or any other damaged items which do not fall within the categories of the above list are not compensable. This includes damage to a motor vehicle, mobile phone, jewellery and home contents.

Medical treatment expenses can be claimed by providing the invoice and Medicare/private health insurance rebate documentation as we may only compensate you for the 'gap' expense.

Report expenses can be claimed by providing the invoice.

Loss of earnings can be claimed by providing relevant supporting documentation to allow the assessor to calculate your loss. This may be for a fixed period of time in which you were unable to work or it may be for your future incapacity to work.

You may provide documents such as payslips or tax returns depending on what your claim is for. If you received any Centrelink benefits or other payments such as income protection then you must also provide these details. Medical certificates or/and a report to support your requirement for time off work would be required also.

Please note if you received paid leave such as sick leave or annual leave then you cannot be compensated for a reimbursement of this leave.

Your time off work must have been as a result of your injuries sustained during the incident and not for any other reason such as to attend court.

Travel expenses can be claimed for travel required to attend medical appointments and you must supply medical evidence to support the dates you are claiming you attended for treatment such as a letter or invoices from the medical centre/hospital you attended.

Future treatment expenses can be claimed by providing a report and quote from the health professional who is recommending the treatment.

Funeral expenses can be claimed by providing the invoice. Please note that the assessor must take into consideration the assets of the deceased and if there is sufficient funds in the estate of the deceased that can cover the funeral expenses then this is an avenue that must be taken first.

In addition to these losses, if you are awarded compensation there will be a component for injuries. In deciding this amount the assessor uses your victim impact statement and medical records so it is important that you provide these supporting documents in full detail.

What happens once I have submitted my application?

Prior to submitting your application, please ensure you keep copies of all documents submitted. Once a completed application is received, you will receive an acknowledgement letter advising you of your matter number. Please quote this number when contacting the Office of Criminal Injuries Compensation.

A case manager and assessor will be assigned to your matter who will then start processing your claim. The case manager will request the police records or the files from the Office of the Director of Public Prosecutions, depending on the offence.

The assessor may direct the case manager to obtain records from places such as hospitals, medical centres, workers' compensation insurers, insurance companies, courthouses, WA police and other government departmental offices.

This office does not routinely provide progress reports to you, however should further information be required contact will be made.

If a person is convicted of an offence in consequence of the incident for which you are claiming, usually a letter is sent to that person to notify them of the claim and invite their submissions. This is because the offender may be liable to repay monies to the State if you are awarded compensation so they are given the opportunity to raise any matters they wish with the assessor before a decision is made. No personal information about you is provided to the offender however they may request a copy of your application in order to provide submissions in which case all of your personal information is redacted. The assessor may deem it necessary to refer the offender's submissions to you for comment.

Once all information is obtained the assessor will make a decision on whether to award compensation or refuse compensation. The decision will be sent to you and any convicted offender. There is a 21 day appeal period to allow any interested party to lodge an appeal in the District Court should they be dissatisfied with the decision. If no

appeal is lodged then payment is made to the applicant after the 21 day appeal period expires. Payment may take up to six week from the date of the award.

If an appeal *is* lodged then payment of an award will be withheld until the outcome of the appeal is known as the District Court may make a new decision which could alter the amount payable or refuse it altogether.

Can I receive any funding immediately and before my application is finalised?

An assessor may grant an interim payment which is a payment that is made up front and before your claim is finalised. For incidents which occurred on or after January 2004, the *Criminal Injuries Compensation Act 2003* allows a maximum of \$2,250 to be paid as an interim payment for treatment, report and travel expenses only. An interim payment can be approved by an assessor based on an invoice or quote being provided with your application.

How will I know the outcome of my application?

Once the assessor makes a decision about your application, a copy of the award order is provided to you via email or post and you will be asked to sign a form to accept the award.

In the alternative, if your application is refused this will also be provided to you via email or post.

Any interested party who is dissatisfied with the decision may appeal to the District Court within 21 days of the date of the decision. An interested party is usually the applicant or convicted offender.

If no appeal is lodged then our office will proceed to making payment to you which can take up to 6 weeks from the date of the award.

If I am not happy with the decision the assessor made, what can I do?

If you are dissatisfied with the assessor's decision, for example you may believe you were not compensated enough, you may appeal to the District Court. The assessor cannot alter their award once it is made.

Any appeal of a criminal injuries compensation decision must be lodged in the District Court and you will be required to attend court and give evidence.

The District Court will notify our office when an appeal is lodged and we will withhold payment of any award until such time the appeal is finalised. We will also provide a copy of our entire matter file to the District Court so they may consider the appeal and decide whether a new order is to be made or if the appeal should be dismissed.

Please note the District Court reassesses your application and may make a new order which is an award for a decreased amount, a higher amount or it may be refused altogether.

Our office does not partake in the appeal proceedings but will wait for notification from the District Court with the details of the outcome. The District Court can be contacted on 9425 2128 for more information.

How do I access the money set aside for me for future treatment?

When an assessor sets aside money for future treatment expenses, they make this decision based on reports/quotes you have provided with your application which outlines the treatment required and an estimate of costs.

Future treatment expenses are available to utilise for up to 10 years from the date of the award.

Money will only be released upon you incurring the treatment. It is not possible to pre pay for treatment or release the funds for any other reason other than what it was intended for.

There are two options for claiming future treatment expenses once incurred. You may either pay for the treatment yourself and then send the invoice and receipt to our office to be reimbursed to you or you may have the health professional send the invoice to our office so that we may pay for the treatment directly to them.

In both instances, Medicare and/or private health insurance rebates must be claimed before we may make payment as we will only pay for the 'gap' expense.

The invoices must be issued in the name of the person receiving the treatment but can then be emailed to criminal.injuries@justice.wa.gov.au or posted to GPO Box F317, Perth WA 6841.