

**HOW TO COMPLETE
YOUR CRIMINAL INJURIES COMPENSATION APPLICATION FORM**

**PLEASE COMPLETE THE FORM USING DARK INK, AND ENSURE YOU KEEP A COPY OF YOUR
APPLICATION FORM AND ALL YOUR DOCUMENTS.**

PART A: APPLICANT'S DETAILS

This section seeks information about the person applying for compensation.

Question 1:

If the person making the application is an adult applying on his or her own behalf then the applicant's name and details are all that are required.

Questions 2 – 6:

If the person making the application is under 18 the application may be made on his or her behalf by a parent or a person acting in place of a parent. If the person making the application is a represented person within the meaning of the *Guardianship & Administration Act 1990* the application may be made on his or her behalf by the person's guardian or administrator appointed under that Act. In either of these cases please indicate on whose behalf the application is being made. Please provide the child's or the Represented Person's date of birth at question 5.

If the application is being made by a person in the capacity of the personal representative of a deceased person, seeking compensation for loss of financial support and/or funeral costs incurred by a close relative, the personal representative's name must be entered and questions 37-39 must also be answered.

If applying on behalf of someone else, insert only the representative's address and contact details, you do not need to include those of the child or represented person, except the date of birth at question 5.

Question 7:

If the application is being made more than 3 years after the date of the offence to which it relates *or the last one of the offences or of a group of offences committed by the same person(s)*, then an application for an extension of time is required. To apply for an extension, attach a signed statement to your application form providing the reasons why the application was not brought within 3 years from the date of the offence or the last offence if there was more than one offence committed by the same person.

PART B: ACKNOWLEDGEMENT OF APPLICATION

Acknowledgement Slip:

Please fill in your name and address in the space provided so the acknowledgement slip can be posted to you. Unless you are seeking an interim payment (see question 30) applications will not be registered if they are submitted without sufficient information to enable them to be fully processed. If this is the case your application will be returned to you with a letter advising you of the further information, which is required.

PART C: INCIDENT DETAILS

Part C seeks information about the incident, which caused the injury for which you are seeking compensation. Please provide as much information as you know or can find out, to assist in the processing of your claim. Enter all information in the places provided, do not simply refer to an attachment or other document as this part of the form is scanned for office use and must contain all the information requested.

Question 8:

Enter the date and place where the offence occurred.

Question 9:

Give a brief description of what the offence involved, eg "assault", "sexual offence", etc.

Question 10:

The Incident Report or Offence Report number *must* be included. The Police may have provided this number to you, or it can be obtained by requesting the "Permissible Information" from the Police. The address is:

Information Release Centre, WA Police Service, Level 5 Westralia Square, 141 St Georges Terrace, PERTH WA 6000 Phone number: (08) 6229 5900

Question 11:

Insert the name of the primary victim if this is not the applicant.

Questions 12 – 17:

Insert the name of the person who actually reported the offence to the police if it is known and that person's address at the time that the offence was reported. Also insert the date the offence was reported to Police, whereabouts the

report was made (eg at which police station), the name of the Officer to whom it was reported and the offender's name if known.

Question 18:

Attach a *signed* statement from the applicant outlining the circumstances of the incident and of the applicant's involvement in it, or of the involvement of any person on whose behalf the application is being made. If a police statement has been made this may be included and may be sufficient as a statement of the incident.

PART D: PROSECUTION DETAILS

This section asks for information about 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 about the prosecution. In particular you must provide the name of the person charged. Police Officer responsible for the investigation will be able to supply this information. Your claim should not be made until the completion of the investigation of the incident or the prosecution of the offence if someone is charged, *apart from the circumstances discussed below at question 30*.

Questions 19 – 23:

Sometimes there will be no person charged with an offence. If somebody was charged please answer as many of the questions about the prosecution as you can. If you know any of the personal information about the offender please provide it as this can assist the processing of the application.

Questions 24 & 25:

This question seeks information about the address and any assets of the offender of which you are aware. This information will assist in attempts to recover the amount of any award from the offender later. You will not be involved in this aspect, and will not be required to attend or participate at all. Action will not be taken to recover from the offender until after the compensation application has been completed. If there was no person convicted of the offence, which caused the injury, then there will be no recovery action.

Questions 26 & 27:

If the court sentencing the offender ordered any money to be paid to the applicant or to the person on whose behalf the application is made, please advise how much was ordered, whether any restitution payment was actually received, and if so how much.

PART E: CLAIM DETAILS

This section seeks information about what compensation is being claimed.

Question 28:

To claim compensation you must establish that you have suffered a physical or mental injury (mental and nervous shock). Evidence of injury can include (where relevant) the following;

- (i) evidence from a health professional – such as your doctor, dentist, psychologist etc – or counsellor.
- (ii) a statement of the events/incident.
- (iii) photographs of your injuries.

A health professional's or counsellor's report or some other evidence of injury is required in almost all circumstances. If you do not supply a report there will be delays in processing your claim. Records can be obtained by making a Freedom of Information request to any public hospital where you were treated. Some doctors will provide you with print-outs of their patient notes. If a report fee is charged you can include that in your application and, if you are unable to pay for it, you may be able to apply to the Assessor to obtain an interim payment to pay for that report. The report should include details of the diagnosis, the treatment, the number of visits made, any time when the victim was unable to work if applicable, and the prognosis for recovery from the injury.

Question 29 – 36:

Please tick one of the alternative "Yes" or "No" boxes in this section to make it clear what types of loss are included in the claim. If you fail to answer any question in this section then the compensation award will not include that type of loss.

Question 30:

An interim payment claim is a claim for payment, "up front" or by way of reimbursement, of expenses incurred as a consequence of the death or the injury, before the finalisation of your claim. An interim payment claim can be made at any time after the happening of the incident, for some treatment and report costs, for travel expenses (and for funeral expenses, see questions 38-40). An interim payment may not be made for loss of income or damage to personal items.

If you are making an interim payment claim before the completion of the investigation or prosecution of the offence, you will need to provide as much information as you know or can find out about the investigation of the offence to assist in processing the claim. This is because the assessor must be satisfied that an offence has occurred before ordering the payment. If you have made a statement to the police, provide a copy with your application. You do not need to make another statement of the incident if you have made one to the police.

You can pay for the treatment, report of a health professional or funeral yourself and claim reimbursement of the gap (see question 31), or submit the account for payment on your behalf. A health professional is a registered doctor (which includes a psychiatrist), dentist or psychologist. You must supply a brief report or note from the health professional indicating that the treatment was required as a consequence of the injury caused by the offence. If you are claiming for travel expenses the report must confirm the dates of your attendances upon the health professional.

If you are making an interim payment claim for treatment expenses *not yet incurred* you must attach a brief statement or report from the health professional setting out the treatment which is required and an estimate of the cost. The report must state that the treatment is required to treat the injury caused by the offence. You will be required to submit accounts to Medicare and your private health insurer if you have one before making your claim (see question 31).

The maximum amount of interim payment for treatment and report costs is 3% of the maximum compensation available for the offence. This is \$1500 if the offence occurred between 1 July 1991 and 31 Dec 2003 or \$2250 if the offence occurred after 1 Jan 2004. If your application is later refused you may be required to repay the amount of the interim payment. The maximum amount available for interim payments does not include funeral expenses; reasonable compensation for these will be determined by the Assessor, who may decide not to pay the full cost of a funeral, see questions 38-40.

Question 31:

A claim may be made for the cost of treating injuries caused by the offence, and for the reasonable cost of reports obtained from a health professional in support of the application. Treatment expenses must first be claimed through Medicare, and any private health insurance to which the victim is entitled. Compensation is for the gap or balance of the expense after payment from these sources. Accounts for the cost of treatment and receipts for reimbursement from Medicare and any private insurance must be produced. Tables 1 & 2 should be filled in showing all details of the treatment provider, sums paid and any amounts reimbursed. If the tables are not big enough please attach a further sheet, photocopy the form or request a further copy from the Office of Criminal Injuries Compensation. As Medicare does not pay a rebate for the cost of obtaining reports, these costs may be claimed in full.

Question 32:

If you want to complete your claim but your treating Doctor, Dentist, Psychologist etc is of the opinion that you are likely to need more treatment in the future, an award can include provision for the estimated future treatment costs. You will need to supply a statement or report from the person treating you to prove that the treatment is or is likely to be required for injuries incurred as a consequence of the offence, and a quote for the estimated cost. In making provision for future treatment expenses, the total award must not exceed the maximum available. If an award is made with provision for future expenses, you will be able to submit the account or receipt for payment to the Office of Criminal Injuries Compensation, once you have had the treatment and after you have claimed the rebate from Medicare and/or your private health insurance fund. The expenses must be incurred *and* you must request payment before the expiry of 10 years after the date of the award, or if the award was made before the applicant turned 18 years, before the applicant's 28th birthday. Payment of the gap will then be made, up to but not exceeding the amount provided for in the award.

Question 33:

A claim may be made for the cost of travel to receive treatment for injuries caused by the offence. Complete Table 3 with all the details including the name of the provider and the date of the trip. Receipts for fares must be produced. The treatment reports should confirm the dates of travel claimed. If the table is not big enough please attach a further sheet, photocopy the form or request a further copy from the Office of Criminal Injuries Compensation.

Question 34:

Compensation is available for damage to personal items worn by an injured victim at the time of the offence, if the damage was caused by the commission of the offence. Personal items include clothing or footwear, spectacles (but not sunglasses) 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. Compensation is not available for items lost, stolen or retained by the Police, or for loss or damage to other types of property.

Question 35-37:

Compensation is available for loss of income *caused by the injury suffered* as a consequence of the offence. Detailed information must be submitted about the nature of the employment of the applicant, showing the hours and dates of work missed, the rate of pay (gross and net), any sick leave or annual leave payments and Workers' Compensation weekly or medical expense payments received, any Centrelink payments received and details of any other compensation, insurance or benefit received or applied for as a result of the injury. If you have made a Workers' Compensation claim, which has been settled or resolved, please supply details including the name of the insurer and a copy of any agreement entered into between you and the Insurer. A statement from the employer verifying the

details of employment and income may be required. Depending on the nature of the claim it may be necessary to submit copies of Tax Returns for the 3 years before and all years after the offence. You may be required to pursue a claim for compensation or insurance from other sources before your application is finalised.

PART F: CLAIMS BY A PERSONAL REPRESENTATIVE FOR LOSS SUFFERED BY A CLOSE RELATIVE OF A DECEASED VICTIM

Questions 38 – 40:

If the offence caused the death of a close family member, a Criminal Injuries Compensation award can be made for the types of compensation available under the *Fatal Accidents Act 1959*, namely the cost of a funeral if it is incurred by a close family member, and loss of the financial support which was provided by the deceased to his or her dependants. The claim must be made by the personal representative of the deceased or a person entitled to be the personal representative of the deceased.

The Personal Representative may apply for an interim payment (see question 30) for the reasonable cost of the funeral if the cost was incurred by a close family member. If the estate of the deceased paid funeral cost then compensation is not available. Please include the account or invoice for the funeral cost with your claim. An assessor must determine what compensation for funeral expenses is reasonable. If your application is later refused you may be required to repay the amount of the interim payment.

The compensation award must include all dependants, and so the application must state the full names of all the known dependants of the deceased and their dates of birth. It will be necessary to advise whether the deceased person left a will and, if so, to provide a copy, together with a copy of the death certificate if it is available.

The claim must include details of the deceased's earnings from work or social security prior to death. Past income tax assessments are the best source of this information, and current (immediately before the time of death) payslips may also assist. Information about the dependant's earnings or income prior to the death of the deceased and since will be required. To establish that the deceased was supporting the dependant(s), information should be submitted as to whether the dependant(s) were living with the deceased at the time of death, and whether at the time of death the deceased had been obliged to pay any maintenance for the dependant(s), and, if so, the rate at which those payments were made. Details of any assets of substance (eg. house, motor vehicle, insurance policy) the deceased owned at the time of death, their value and how they were/are to be disposed of will be required.

The claim must advise whether the dependant(s) have benefited financially as a consequence of the death (eg. inherited property, received the proceeds of an insurance policy or disposal of assets) and if so provide the details.

A dependant of the deceased may apply for compensation for injury suffered as a consequence of the death *and* for compensation for loss of support and/or funeral expenses, but may not receive, in the aggregate of all claims, more than the maximum compensation available at the date of the offence.

PART G: SECTION OF THE ACT UNDER WHICH THE CLAIM IS MADE

This section requires the applicant to identify which section of the *Criminal Injuries Compensation Act 2003* entitles the victim to be compensated. The application is made under:

- (i) Section 12 if a person(s) was charged with the offence(s) and any person(s) was convicted of it.
- (ii) Section 13 if a person was charged and acquitted, and the applicant claims that the alleged offence was committed by a person other than the person acquitted.
- (iii) Section 14 if a person was charged with the offence and acquitted because he was of unsound mind at the time the offence was committed.
- (iv) Section 15 if a person was charged but later found not to have been fit to stand trial.
- (v) Section 16 if a person was charged with the offence and the charge was withdrawn or a Nolle was entered, the charge was dismissed without a finding of guilt or innocence, the prosecutor did not adduce any evidence, the accused person died before the trial, or for any other reason the accused person is not brought to trial on the charge; and.
- (vi) Section 17 if no person was charged with the offence.

If inquiries reveal that the application must be made under a different section of the Act or in respect of a different or additional offence from that claimed, the assessor may amend the application to reflect this.

PART H: DECLARATION BY APPLICANT

This Part requires you to sign and date the application, and any supporting statements made by the applicant. It does not have to be witnessed. The application should be signed by the person actually making it or the person who is applying

- (i) on behalf of a person under 18, or
- (ii) on behalf of a person subject to the *Guardianship & Administration Act*, or
- (iii) as the personal representative of the deceased.

The application must not be signed by a solicitor who assisted in its preparation or who represents the applicant. It is important that the applicant signs the application him or herself so that it is clear that the information provided in Part G is understood. The Act allows the assessor to seek further information from doctors, employers, the police and any other person who may have relevant information. The signature on the application will be used as authority to release information from other sources if required.

If a compensation award has previously been made in which you were named as the offender and the amount of your liability for the award has not been repaid, the assessor may deduct any amount you owe from the compensation award in your favour before you are paid.

The Office of Criminal Injuries Compensation may advise the offender or the Chief Executive Officer of the Department of the Attorney General of the making of the claim and may if requested supply the offender or the CEO with edited copies of supporting documents. If there is a concern as to any person's safety should the offender be advised of the application, please submit a statement detailing this with the application. This statement will be considered before any notification is sent to the offender. The assessor may determine not to advise the offender in an appropriate case. The decision whether or not to advise the offender of the claim or to provide information in respect of it is always one for the assessor, who may consult with the applicant but may determine the matter contrary to the wishes of the applicant.

Authority for Payment Direct to Service Provider.

If you wish the Office of Criminal Injuries Compensation to pay any unpaid account or invoice on your behalf out of your compensation award, please complete the authority at the bottom of page 6 of the application form. If you require more than one direct payment, please attach an addition sheet with a signed authority providing all the details listed in the form of authority at page 6.

Remember to complete the Checklist on page 5 and ensure you have enclosed all necessary supporting documents.

Do not attach these notes to your application. Keep them for future reference together with a copy of your application and copies of all supporting documents.

Remember to sign and date the application and any statements submitted with your application.

Do not place documents to be sent with your application in files, plastic sleeves or folders, simply staple or clip them to the application form.

You may obtain a copy of the Application Form from the Department of the Attorney General website at www.justice.wa.gov.au or by email to criminal.injuries@justice.wa.gov.au

CHECKLIST - Have you:

1.	Attached a signed and dated request for an extension of time if required, Q7?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.	Attached a signed and dated statement of the incident Q18?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.	Attached a signed and dated statement of the impact of the injury, Q28?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.	Attached a treatment plan and estimate of cost for interim payment if sought, Q30?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.	Attached an account for the report cost for interim payment if sought, Q30?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.	Completed Table 1 for medical expenses and attached accounts, Q31?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.	Attached a report and quote for future treatment costs if sought, Q32?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8.	Completed Table 2 for travel expenses if sought, Q33?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9.	Attached details of personal items damaged if sought, Q34?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10.	Attached supporting documents for loss of income if sought, Q35-37?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11.	Attached details for loss of support and funeral expenses if sought, Q39&40?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12.	Ticked the section under which your claim is made, Part G?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
13.	Signed and dated the application form, Part H?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
14.	Filled in the acknowledgement slip, Part B?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
15.	Kept a copy of the application form and all documents attached to it?	Yes <input type="checkbox"/>	No <input type="checkbox"/>