

Criminal Injuries Compensation

What is criminal injuries compensation (CIC)?

If you have been a victim of a crime, you may be able to apply for compensation for injuries or losses you suffered as a result of that offence (or alleged offence).

If you didn't suffer a direct injury but have suffered a loss because a close relative was a victim of crime you might also be eligible for criminal injuries compensation. You may also apply for a child under your care.

How much time do you have to claim?

You only have 3 years from the time of the offence to make a claim. If you have a very good reason why you haven't made the claim in time you may still be eligible. You should seek legal advice as soon as possible.

How does it work?

Victims of crime must –

- Complete an application form;
- Write a Personal Statement; and
- Gather proof of their claim.

This must all be submitted to the Department of Justice, where the application will be assessed by an Assessor.

Once your application is assessed by an Assessor, you **may** be awarded compensation. The amount you are compensated will depend on the extent of your injuries and losses, and how much proof you provide of your losses.

The current wait time for claims to be assessed is approximately 18 months.

What things can you be compensated for?

Only certain things can be claimed in your application. Types of claims you may be able to make include:

- Damage to personal items such as clothing, glasses and hearing aids.
- Medical expenses (for example, doctors reports, ambulance bills, dental and counselling). You can also claim for future medical expenses likely to be suffered.
- Loss of your ability to make money in the future.
- Travel expenses to take you to and from medical appointments and treatment.
- Loss for enjoyment of life, such as your ability to play sport.
- Loss of income, from wages or annual leave taken as a result of the injury.
- You might also be able to claim for future losses if your injury stops you from performing tasks at work the way you used to (for example, if you receive an injury to your hand and can no longer use certain tools at work).
- If your close relative dies as a result of an offence you may be able to claim financial support and funeral expenses.

Make sure you keep all of your records for anything you might wish to claim on the application.

Previous payments

Before you make an application for CIC, you must work out if you are eligible for another entitlement (for example, workers compensation, or insurance). You must also make it clear in your application if the court has already awarded you any money to compensate you for the injury.

What proof do you need for your claim?

The Assessor makes a decision based on the evidence you provide. The evidence you provide is very important to the success of your claim.

Evidence can include:

- Reports from hospitals
- Reports from your doctor
- Reports from your psychologist
- Police reports
- Proof of loss of income
- Incidental expenses proof (for example, tickets and receipts)
- Funeral expenses proof

Your Personal Statement is also included as evidence.

Reports

You need to show what physical and/or psychological harm you have suffered. The reports you will need may include a psychologist report, hospital report, and/or doctors report.

Interim payments can be made by the Assessor to cover the cost of getting reports from health professionals.

If you submit your application and have not included any reports, then the Assessor may tell you to get these reports before giving you compensation. If the reports are ones the Assessor deems necessary you will be reimbursed in your compensation for any reports you had to pay for.

Police Reports (also known as an 'Information Report for Criminal Injuries Compensation')

Information reports are a bundle of information held by the police about your incident, and they are crucial to a CIC claim. The bundle includes the Incident Report and a copy of the statement you made to police about the incident.

The police will need to finalise their investigations and any court proceedings must have finished before they will give you an Information Report.

You can apply for an Information Report online and you can request an Information Report for multiple incidents under the same application and fee.

When may I not be able to make a claim?

You may not be eligible for compensation if:

- You have not done all you can do to assist the police (for example, you refused to make a statement to Police);
- The offender will benefit from your compensation (for example, if you're still in a relationship with the offender);
- The injury was suffered when you were committing an offence (for example, if you're injured while stealing someone's property, or injured while assaulting someone);
- Close relatives of deceased may not make claims if the deceased was committing an offence at the time of their death.
- Your injuries were caused in a motor vehicle crash.

Compensation may be reduced or refused if the assessor believes your behaviour contributed to your injury.

What if no one has been charged?

Even when no one has been convicted you may still be eligible for compensation if you can demonstrate that:

- It is more likely than not that the offence did occur; and
- You can show you did everything you could to assist the investigation. This might include making a statement to the police that helped them to lay charges against the offender.

Sometimes it is better to wait until the court has finalised the hearing against the offender. Having a court outcome can strengthen your claim.

What should I put into my Personal Statement?

A Personal Statement must be included in your application. It sets out the impact the crime has had on you and how your life has been affected.

The statement will need to include:

- Details of the offence itself including how the offence occurred, description of the offender, witness, and physical surroundings
- The type and extent of your injuries
- The losses you have suffered
- A description of your life before the incident and how it has changed since the incident. This can include all your previous past-times, work and home life, enjoyment of life, and how the offence has changed your life including pain, injuries, emotional well-being, and new medical challenges.

Do you need a lawyer?

A lawyer can be helpful in making a claim but also very expensive. The cost of your legal fees will not be added to the compensation you may be awarded.

We strongly recommend you get legal advice before making an application.

Do you need some financial help to cover the expenses of applying?

Sometimes getting the reports you need for a claim can be expensive. In some circumstances, applicants can be awarded part of the compensation early to cover these costs. This is known as an interim payment. You need to make an application to the assessor for an interim payment.

Any interim payments made will be deducted from your final compensation amount.

Where to send the application

Email: criminal.injuries@justice.wa.gov.au

Post: GPO Box F317 PERTH WA 6841

In person: Level 12, International House, 26 St Georges Terrace PERTH WA 6000

How will my application be assessed?

The assessor will consider your application and all evidence provided. They may make follow up calls to you or request further information from you or other places. In some cases, the Assessor will ask you to address your application in person at Court.

Not happy with how much compensation you were given?

If you are refused an award of compensation or are awarded less than you think you are entitled to, you can appeal the decision.

You have 21 days to appeal the decision. Appeals must be lodged at the District Court of WA.

Helpful Check List for your application

1. Report and incident to the police as soon as possible
2. Ensure your physical and mental condition is clearly documented, and consider making your application when you are physically and mentally able to do so
3. Gather your evidence - Medical, Psychological and Police Records as well as receipts and other relevant documents
4. Prepare your personal statement about the incident and its impact on your life
5. Get legal advice
6. Submit your application

The information provided within this fact sheet is to be used as a general guide only. It is not legal advice. Unless we speak to you, we cannot guarantee the information provided on this website will apply to your situation. Please call 1800 752 992 if you require further assistance.

Information is correct as at February 2020.