

1.16/94

ADMINISTRATIVE APPEALS TRIBUNAL

VAUGHAN v CCT

Deputy President Mr Ball

14 January 1994

THE APPLICANT AGED 8 YEARS SUFFERED POST TRAUMATIC STRESS DISORDER AS A RESULT OF A PERSON (WHO WAS DRUNK AND DISORDERLY) COMING INTO THE APPLICANT'S HOME AT NIGHT. AWARD: \$4,500 PLUS COSTS.

".... [7] In his sworn evidence the Applicant's father Sergeant GM Vaughan said that he was now the Station Commander of the Bannockburn Police Station and that as a result of his concerns about the Applicant following the incident referred to above he had applied for transfer from Mortlake to take his daughter away from that area in the hope that it would lessen her symptoms of stress. He indicated that following the incident he had not taken action to charge the offender Bell with a number of charges which could have resulted in his (Bell's) imprisonment as he [8] was concerned to shield his wife and children from giving evidence. After discussion with his superiors the offender, Bell, was charged only with an offence which he, Sergeant Vaughan, could himself prove. A report dated 7 April 1993 from Malcolm Garnett a Clinical Psychologist of Ballarat was tendered to the Tribunal. Mr Garnett stated in his report that he was asked to see the Applicant by her mother because she (Allison) was continuing to express distress as a result of the incident referred to above. He was aware that the Applicant had seen the Police Psychologist, Garry Thomson, for four sessions and that Mr Thomson had written to the Crimes Compensation Tribunal indicating a favourable prognosis from treatment. Mr Garnett reported that even following the hearing at the Crimes Compensation Tribunal:

"Allison remains obsessed by the security of the house and every night asks her mother to check if the doors are all locked. She talks in her sleep and sleep walks. They have found her on occasions screaming and trying to climb the walls of her bedroom. She has difficulty going to sleep at night and has the light on. She is over concerned with her mother's safety. She will not stay in the house alone without a parent present, or go down to the local shops alone"

In his conclusion Mr Garnett stated that:

"I support the proposition that Allison has continued to suffer post-traumatic stress disorder but I am optimistic that with therapy and moving house she has successfully overcome her symptoms."

[9] From the evidence given by the Applicant's parents and the psychologists' reports tendered to me I am satisfied that the Applicant has suffered an injury within the meaning of Section 3 of the *Criminal Injuries Compensation Act* 1983 and after the hearing and the award of compensation made to her by the Crimes Compensation Tribunal has continued to suffer a mental disorder within the meaning of that Section and that in the circumstances the award of compensation of \$1,800 made to her by that Tribunal is inadequate and should be set aside. Having given careful consideration to the evidence adduced at the hearing I am of the view that an order for compensation should be made to the Applicant in the sum of \$4,500 and I will make an order to that effect. I will also make an order for reimbursement of the Applicant's legal costs and disbursements."