

SUPREME COURT OF QUEENSLAND

CITATION: *Williams v Williams* [2007] QSC 255

PARTIES: **RONALD GEORGE WILLIAMS**
(Applicant)
v
DESLEY WILLIAMS
(Respondent)

FILE NO/S: 66 of 2007

DIVISION:

PROCEEDING: Application for Criminal Compensation

ORIGINATING COURT:

DELIVERED ON: 13 April 2007

DELIVERED AT: Cairns

HEARING DATE: 2 March 2007

JUDGE: Jones J

ORDER: **The respondent pay to the applicant the sum of \$15,000**

CATCHWORDS:

COUNSEL:

SOLICITORS: Ms L Pearce ILS Qld Limited for the applicant
No appearance by the respondent

- [1] The applicant seeks compensation pursuant to s 663B of the *Criminal Code* for injuries he sustained on 20 January 1991 when he was unlawfully wounded by the respondent, his brother.
- [2] On the day in question the applicant and the respondent and a few other people had been drinking throughout the day. In the evening the respondent became aggressive towards a woman in the group and when the applicant intervened the respondent became angry. The respondent left the group and went home. When the applicant entered the home a short time later the respondent approached him with an open pocket knife and threatened to kill him. The applicant ran away. When he returned some time later the respondent again threatened him and this time a fight ensued with the result of the respondent stabbing the applicant in the chest with knife.
- [3] The applicant was treated initially at the Bamaga Hospital and then was flown to the Thursday Island Hospital for further treatment. It was established there that he had a collapsed lung consequent of the stabbing. He was treated by having his lungs drained and his wound appears to have healed without any physical deficits.

- [4] The main thrust of the applicant's claim is that he now suffers from Post Traumatic Stress Disorder. This was first adverted to when he was interviewed by Ms Chris Richardson, psychologist on 26 September 2005, 14.5 years later. Ms Richardson has prepared a report dated 2 October 2005 in which she recounts the applicant's complaints including that he was afraid he was going to die when the event happened, a feeling which remained until he underwent appropriate treatment in hospital. Since that time he states that he feels scared when in the company of people particularly when they are arguing and that he doesn't trust people. He has disturbing memories about the incident and flashbacks, nightmares and bad dreams. He also complains of feeling unhappy much of the time, being absent minded, being tense with high anxiety nervousness and being frightened of sudden noises. It does not appear that he sought any treatment for these symptoms during the intervening years.
- [5] Ms Richardson arranged for the applicant to undertake a battery of psychological testing which she interpreted as showing that he has:-
- (i) A potential risk of experiencing clinical problems.
 - (ii) Mild symptoms of Major Depressive Disorder.
 - (iii) Classic Post Traumatic Stress Disorder of moderate severity.
- [6] What is missing from the report is any details of stressful situations which the applicant might have encountered in the 14 years between the incident and the undertaking of the report. The applicant was 26 years old at the time of the incident and is now 42 years of age. He has a good work history, working on pearl farms, on the Mount Isa railway, as a hygiene truck driver for the Bamaga Council and more recently as the Environmental Health Officer. He attends courses at Charles Darwin University in respect of this latter activity. He has a stable marriage and has six children under 12 years of age. The work history and personal circumstances tend to suggest that the injury might not be as severe as the statement of symptoms would at first indicate. However, they remain significant and the applicant is entitled to compensation. I make the following allowances:-
- | | | |
|---|-----|---------------------------|
| Item 25: Stab wound (moderate) | 8% | \$ 6,000.00 |
| Item : Mental or nervous shock (moderate) | 12% | <u>\$ 9,000.00</u> |
| Total: 20% of scheme maximum i.e. | | <u>\$15,000.00</u> |
- [7] I order the respondent pay to the applicant the sum of \$15,000.