

Important information about arrangements to pay restitution

Payment amount (Part A)

You may apply to pay an amount of restitution by arrangement for either the amount shown on the provisional order (which was the amount paid to the victim under the award of compensation), or a reduced amount. If you apply to pay a reduced amount, you must state your reasons for doing so. For example, more than one defendant was convicted, my age at the time of the offence and/or my level of culpability (fault), etc.

Payment type (Part B)

You may choose to pay the amount you have nominated by lump sum (one payment) by a specific date or by monthly instalments starting on a specific date. You may also make payment by a combination of lump sum and monthly instalments.

Payment method (Part C)

You may choose to make your monthly instalment payments by one of several methods. There are advantages to making payment by Centrepay Deduction or Direct Debit, these advantages include; saving the cost of a money order or cheque, an envelope and postage; not having to go to a post office or bank; not having to remember to pay your instalment each time it is due; no other costs or charges. You also avoid the possibility of a default in payment and any resultant enforcement action, including any additional interest or legal costs. Of course you may also make payment by mail or by having your financial institution make your payment for you but you must bear the associated costs.

This application must be supported by:

- a properly completed Affidavit of Financial Circumstances together with relevant supporting financial information.
- a completed Objection to a Provisional Order for Restitution; and
- any other relevant documentary evidence (for example court, police or other documents, medical certificates, financial records) that you believe is relevant to the matter.

The amount to be paid by arrangement will be determined by the Commissioner having regard to:

- your financial circumstances; and
- an assessment of your culpability in relation to the act of violence on which the award was based; and
- any other relevant matters.

Possible outcomes of an application to pay amount of restitution by arrangement or by instalments:

1. Where an arrangement is agreed, the terms of arrangement and payment details will be confirmed in writing. Arrangements do not incur further costs or interest if you comply with the terms of the arrangement.
2. If an arrangement is not agreed:
 - a) If a written objection to the provisional order has been filed, the matter will be listed for determination by the Commissioner. You will be notified of the listed date.
 - b) If a written objection to the provisional order has NOT been filed, the Commissioner may confirm the provisional order for the full amount payable forthwith and commence enforcement action.

Non-compliance of an arrangement:

If you do not comply with the arrangement, the Commissioner may confirm the provisional order for the full amount payable forthwith and commence enforcement action. However, if there is a prior order, it will be re-instated and enforced.

Changed financial or other circumstances

If your financial or other circumstances change and you are unable to comply with the terms of the arrangement, you must notify the Commissioner immediately in writing. The Commissioner will review the arrangement and may accept suitable alternative arrangements.

Legal advice

If you wish to seek legal advice as to your liability to pay the amount provisionally ordered, you may contact LawAccess on 1800 888 529 or a legal practitioner of your choice. However Victims Services will not meet the cost of legal advice or representation.

Questions

For all enquiries concerning this application or restitution proceedings generally, please contact the Restitution Section of Victims Services:

Phone 1800 633 063

Email vs@justice.nsw.gov.au

Websites

Victims Services www.victimsservices.justice.nsw.gov.au

LawAccess www.lawaccess.nsw.gov.au

Address all mail to The Commissioner of Victims Rights, Victims Services, Locked Bag 5118 PARRAMATTA NSW 2124