

# Reassessment of Transitional Victims Compensation Claims

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# Legal Disclaimer

- The information provided in this presentation is **ONLY** general information and **NOT** legal advice.
- This presentation is brief and does not cover all of the details of the reassessment scheme and process.
- We accept no loss that may result if you only rely on the information provided during this presentation.
- If you have a legal problem you should speak to a solicitor for specific legal advice.
- The presentation only covers the law in NSW.

# What is a transitional claim?

- A claim lodged under the old victims compensation scheme **BUT** assessed under the new victims support scheme.
- This means a claim lodged **BEFORE 7 May 2013** (when the new law was introduced into parliament) **BUT** assessed **AFTER** the new scheme commenced.

# What is a transitional claim?

- NOTE: Claims that were **DISMISSED cannot** be reassessed. **Example:** where no act of violence was found.
  - **EXCEPTION: Secondary victims-** under the new scheme secondary victims were not able to receive any recognition payment and were dismissed. These transitional claims can now be reassessed.
  - **EXCEPTION: Family victims-** certain family of homicide victims were not eligible for any compensation under the new scheme (but were under the old scheme) and were dismissed. These transitional claims can also be reassessed.
- Also includes claims that were lodged under the old scheme but **withdrawn** after the new victims support scheme was introduced.
- If a person is not sure if they had a transitional claim they can contact Victims Services to find out.

# Why have a reassessment?

- For many transitional claimants the new law meant much smaller payments for the injuries they suffered.
- **Example:** some victims of domestic violence under the new scheme were awarded \$1,500 for a Category D recognition payment, but under the old scheme they may receive between \$7,500 to \$10,000 for the injury of 'Domestic violence'.
- A reassessment means the claim will be reassessed under the old scheme (schedule of injuries).

# How to ask for a reassessment?

- Complete and lodge the reassessment application form.
  - Form was mailed by Victims Services to all transitional claimants (together with a letter).
  - Download form from Victims Services' website.
  - Ring Victims Services for a form.
- **IMPORTANT TIME LIMIT:** Reassessment form **MUST** be lodged with Victims Services by no later than **31 August 2016!!!**
- Can ask for a review of the reassessment decision. This must be lodged within 28 days of the notice of the reassessment.

# What will happen?

- Victims Services reassesses the injury section of the claim.
  - **Except** if the transitional claim was withdrawn, then Victims Services will be assess both the act of violence and the injury.
- If a claimant wants to change the injury originally nominated they must let Victims Services know.
- If a claimant wants to provide further evidence they must do so within 6 months of lodging the reassessment form.
- Additional amounts awarded on reassessment will be reduced by any victims support amounts already received by the claimant.
- If the reassessment means a claimant receives less money they will NOT have to re-pay any victims support money already received.

# Assistance

- Lawyers will not be paid for helping a claimant with the reassessment.
- Some Community Legal Centres will re-open their files for their previous transitional clients, including Wurringa Baiya.
- **Aboriginal women can call Wurringa Baiya for advice:**
  - **1800 686 587 or 02 9569 3847**
- Call a local CLC or Law Access for advice and information.
  - Law Access 1300 888 529
- Contact Victims Services.

# Victims Services

- Established a separate reassessment team.
- Contact Victims Services for:
  - copies of the reassessment application form
  - 'frequently asked questions' sheet
  - check if you are a transitional claimant
  - the process involved.
- Telephone: 02 8688 6600 / 1800 993 031
- Email: [vsrp@justice.nsw.gov.au](mailto:vsrp@justice.nsw.gov.au)
- Web: [www.victimsservices.justice.nsw.gov.au](http://www.victimsservices.justice.nsw.gov.au)