



11 February 2009

Dirk Nierop

Parramatta Justice Precinct
Level 1, 160 Marsden Street, Parramatta
Locked Bag 5118, Parramatta NSW 2124.
DX 8232 Parramatta
Enquiries: Tel 02 8688 5511 | Fax 02 8688 9632
Freecall 1800 069 054 | TTY 02 8688 5575
vct@agd.nsw.gov.au | www.lawlink.nsw.gov.au/vs

Our reference: RT133911
Debtor Number: D069053
Your Reference:

Dear Mr Nierop

NOTICE OF PROVISIONAL ORDER FOR RESTITUTION

An award of statutory compensation has been made to a victim of an act of violence. As you have been identified as a person who has been convicted of an offence relevant to the award of compensation, the Director, Victims Services has made the attached provisional order for restitution against you. This letter and the attached provisional order constitute notice pursuant to section 46 of the *Victims Support and Rehabilitation Act 1996*.

You are required to respond within 28 days of receipt of this notice. If you do not respond within 28 days, the Tribunal will confirm the provisional order and refer the matter for enforcement action against you and you may incur additional costs.

You may respond in one of the following ways:

- Pay the full amount of the provisional order by sending a cheque or money order to the Tribunal at the address below, quoting your name and our reference number. The payment should be made payable to the NSW Attorney General's Department.

OR

- Complete and return the attached Notice of Objection to a Provisional Order for Restitution. The matter will then be listed for a restitution hearing before a Magistrate and you will be advised of the listed date.

OR

- Negotiate a settlement of these proceedings without a hearing. You may make an offer by using the attached Application to Pay Amount of Restitution by Arrangement or by instalments. The application must be accompanied by a completed Affidavit of Financial Circumstances and a completed Notice of Objection to a Provisional Order for Restitution.

If you need legal advice or assistance regarding this notice, **LawAccess NSW** provides a free legal information, referral and advice service to people who live in New South Wales or have a New South Wales legal problem. You may contact LawAccess by phoning 1300 888 529 between 9am and 5pm on weekdays. Or, if your first language is not English, you may ring 131 450 and ask an interpreter to contact LawAccess on your behalf.

Alternatively, you may contact a legal practitioner of your choice or the Chamber Registrar at your nearest Local Court. However, Victims Services does not meet the cost of legal representation.

Should you have any inquiries about the contents of this letter, please contact the **Restitution Section** of the Victims Services on (02) 8688 5511 or on 1800 069 054 (toll free).

Yours faithfully

Helen Kidston

Director

mkeati1

Compensation and Counselling (applications)
Restitution, Subpoenas and Appeals
Victims of Crime Bureau
Accounts

Fax 02 8688 9630
Fax 02 8688 9634
Fax 02 8688 9631
Fax 02 8688 9633

Victim Support Line
Tel 02 8688 5400
Freecall 1800 633 063
TTY 02 8688 5575

Family and Friends of Missing Persons Unit
Tel 02 8688 5423 | Freecall 1800 227 772
Fax 02 8688 9631 | fmpu@agd.nsw.gov.au
www.lawlink.nsw.gov.au/missingpersons

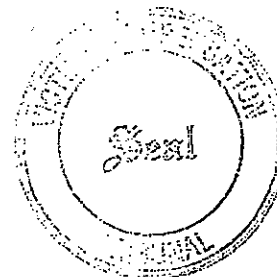


Victims Services
Attorney General's
 department of nsw

Victims Support and Rehabilitation Act 1996
 Section 46

PROVISIONAL ORDER FOR RESTITUTION

Issued from the Victims Compensation Tribunal at: PARRAMATTA
 File number: RT133911
 Debt number: D069053
Defendant: Dirk Douglas NIEROP
 of: [Faded text]



Date of award of Statutory Compensation: 8 November 2007
 Amount of award: \$6,960.00
 Name of victim: Shane BULLOCK

Date of Conviction	Place of Conviction	Offence
03 May 2007	Sydney District Court	Assault occasioning actual bodily harm-T2

Facts on which the award of statutory compensation was based: On the NINTH day of APRIL 2006, the Defendant committed an offence against the victim.

As a consequence of which, the victim sustained the following compensable injury(ies):

- Head, eye: blow out fracture of orbit bone cavity containing eyeball
- Head, nose: displaced fracture of nasal bones
- Torso, scarring: minor disfigurement

I am satisfied that:-

- a) an award of statutory compensation has been made to the victim, and
- b) the defendant has been convicted of a relevant offence(s), and accordingly;

I make a provisional order for restitution against the defendant in the sum of: \$6,960.00

To the Defendant:-

- (a) You have twenty-eight (28) days from the date of service of this order to file a notice objecting to the Order.
- (b) Notice of objection to the Order must be filed in the Office of the Director, Victims Compensation Tribunal, Level1, 160 Marsden Street, Parramatta NSW 2124.
- (c) If no objection is received the order may be confirmed by the Tribunal and become a judgment debt and enforcement action taken.
- (d) If you file a notice of objection the Tribunal will conduct a hearing to determine whether the order should be confirmed.

Date: ELEVENTH day of FEBRUARY, 2009.

Helen Kidston
 Director

Victims Services

AFFIDAVIT OF FINANCIAL CIRCUMSTANCES

Restitution No.: RT

Account No.: D0

I _____
 (Full name)
 of _____
 (Residential Address) _____ Phone No: () _____
 of _____
 (Postal Address) _____

Date of Birth: _____ Drivers Licence No.: _____ Expires: / /
 make oath and say/affirm:

1. I am the defendant named in the proceedings to which the above RT No. and Account No. refer.
2. My occupation is _____
3. The name and address of my employer is:

 Phone No: () _____

(Your employer will not be notified of these restitution proceedings unless you fail to comply with a Tribunal order or an arrangement with the Director/Registrar and the Tribunal institutes enforcement proceedings against you.)

(If self-employed, nature of business and trading name: _____
 ABN: _____)

(Self employed persons must provide an operating statement for at least the last full quarter showing business income and expenditure, including wages, salary or drawings.)

4. I support myself / my partner* and _____ dependant children* (*delete if inapplicable)
5. My partner's full name is *: _____
6. The facts and figures set out in the following statement and any annexures, including any estimates given in this statement, are true and correct to the best of my knowledge, information and belief.
7. The following is a true statement of my income, expenditure, assets, and liabilities (debts).
8. I have no other assets or income or any interest in superannuation funds or estates, other than as set out in my statement.

INCOME	(Monthly ¹)	EXPENDITURE	(Monthly ¹)
Net wage/salary ²	\$ _____	Mortgage Repayments	\$ _____
Social Security Payment(s) ³	\$ _____	Rent or Board	\$ _____
Family allowance	\$ _____	Rates (Council and/or Water)	\$ _____
Income of Spouse	\$ _____	Electricity/Gas etc.	\$ _____
Other Income (from investments, etc.)	\$ _____	Telephone (inc. mobile)	\$ _____
	\$ _____	Food & groceries	\$ _____
	\$ _____	Fares and/or Petrol	\$ _____
		Motor vehicle expenses	\$ _____
		Insurance/ Superannuation	\$ _____
		Clothing/Shoes etc.	\$ _____
		Health Fund contributions	\$ _____
		School expenses	\$ _____
		Other expenditure (provide details ⁴)	\$ _____
		Monthly liabilities (from overleaf) #	\$ _____
TOTAL INCOME	\$ _____	TOTAL EXPENDITURE	\$ _____

(continued overleaf)

APPLICATION TO PAY AMOUNT OF RESTITUTION BY ARRANGEMENT OR BY INSTALMENTS

Reference no: RT Account no: D0

I, _____ (Name of Defendant)
of _____ Postcode: _____ (Postal Address) Phone: _____

apply to pay restitution as follows:

A: PAYMENT AMOUNT (tick one of the following boxes)

1. *The full amount shown on the provisional order.*

Or 2. *A total sum of: \$ _____ **

* Reason for less than full payment: _____

B: PAYMENT TYPE (tick one of the following boxes)

1. **Lump Sum** - Payment of the above amount by one lump sum payment *, on or before ___/___/___ (date). **Or:**

2. **Lump Sum and Monthly Instalment** - Payment of the above amount by an initial lump sum payment * of \$ _____
on or before ___/___/___ (date) *and then* monthly instalments of \$ _____ starting on ___/___/___ (date). **Or:**

3. **Monthly Instalment** - Payment of the above amount by monthly instalments of \$ _____ starting on ___/___/___ (date).

(* Please note that payment of the lump sum must be made by cheque or money order.)

C: PAYMENT METHOD (tick one of the following boxes)

1. **CENTREPAY** I wish to pay my restitution instalments using Centrelink's *Centrepay* facility and will take the attached Form 3 to any Centrelink office and complete an application form "*Centrepay Deductions*" (Centrelink form number SA325.0510).

OR

2. **DIRECT DEBIT** I wish to pay my restitution instalments using the direct debit facility:

Direct Debit Request

I/We request, until notified in writing, that monies due to Victims Services and/or the Victims Compensation Tribunal be drawn under the Direct Debit System (User ID 231870) from my/our account, as per the details listed below:

Name of Financial Institution: _____

Branch address: _____ Type of Account#: _____

Accounts details are:

Please note: **Credit Card accounts cannot be used**

BSB: -

Account No:

Account Name: _____

I/We acknowledge that this Direct Debit arrangement is governed by the terms of the Direct Debit Service Agreement received from you.

Authorised Signature(s)* _____

Date: ___/___/___

Date: ___/___/___

Note: Direct Debit instalments will be debited on the 15th day of each month. #Direct Debit may not be available from all accounts. Please check with your Financial Institution. *Requires the same signature(s) that is (are) authorised to operate on the account. (Please provide a copy of an encoded deposit slip or cheque with this application.)

3. **DIRECT PAYMENT** I wish to pay my restitution instalments by directly crediting the account of the NSW Attorney General's Department. Please send me a deposit book.

4. **OTHER ARRANGEMENTS** I propose to make my instalment payments by sending a cheque or money order by mail to *Financial Services Branch, Attorney General's Department Locked Bag 5111 Parramatta 2124*. Or: by arranging for my financial institution to make the monthly payment on my behalf.

If this application is accepted, I undertake to make payments in accordance with the Restitution Order or Arrangement.

Date: ___/___/___

VICTIMS SERVICES
ABN 64 782 244 502

CENTRELINK – CENTREPAY DEDUCTION INFORMATION

THE FOLLOWING INFORMATION IS PROVIDED TO HELP YOU COMPLETE THE APPLICATION FORM “CENTREPAY DEDUCTIONS” (CENTRELINK FORM NUMBER SA325.0510), WHICH YOU CAN OBTAIN FROM ANY CENTRELINK OFFICE.

Part B	
Type of request	1. Start a new deduction
Part C	
Service provider's details	Name Address Telephone
	Attorney General's Department Locked Bag 5111 PARRAMATTA NSW 2124 (02) 8688 5511
Service Provider's Centrepay Reference Number (CRN)	555 053 508S
Your account number with the service provider	D0 Your Debtor Account Reference Number
Type of bill	Professional Services
Part D	
Amount to be deducted each fortnight?	<i>You will need to halve the instalment amount that you are required to make each month to meet the terms of your order or arrangement: e.g. \$50 per month = \$25 per fortnight \$40 per month = \$20 per fortnight</i>
Date deductions to start from	<i>For existing defendants, this should be your next Centrelink payment date. For new defendants, you should use the commencement date in your order or arrangement.</i>
Target amount	<i>For existing defendants, this will be the balance of your debt at the date of the application. For new defendants, this will be the total amount ordered or arranged to be paid.</i>

PLEASE REMEMBER

IF YOU BECOME INELIGIBLE TO RECEIVE A PAYMENT FROM CENTRELINK OR YOU DECIDE TO CHANGE YOUR CENTREPAY DEDUCTION, YOU MUST NOTIFY VICTIMS SERVICES OF THE CHANGE AND MAKE ARRANGEMENTS FOR AN ALTERNATIVE METHOD OF PAYMENT. IF YOU DEFAULT ON PAYMENT OF AN INSTALMENT, YOU MAY BE LIABLE FOR ENFORCEMENT ACTION UNDER THE LOCAL COURT (CIVIL CLAIMS) ACT 1970, WHICH MAY RESULT IN THE SEIZURE OF SUCH OF YOUR ASSETS AS ARE REQUIRED TO MEET YOUR RESTITUTION LIABILITY AND ADDITIONAL INTEREST AND/OR COSTS INCURRED.

GUIDE FOR RESTITUTION DEFENDANTS

Why you should reply to a Provisional Order

Better outcomes

You will always get a better result or outcome to your restitution matter if you reply to the Provisional Order. Simply fill out and return the Notice of Objection. Alternatively, you can fill out and return the Application to Pay Amount of Restitution By Arrangement or By Instalments and the Affidavit of Financial Circumstances. You will also avoid additional costs associated with enforcement action, including interest and court costs.

Chance to tell your side of the story

If you reply for no other reason, it is a chance for you to tell your side of the story. You may have pleaded guilty to the offence that led to the Provisional Order being made and may not have been able to say what happened from your point of view. The Director and/or the Tribunal will listen to you. Complete and return the Notice of Objection.

More than one person was charged or convicted

If you were not the only person charged or convicted of the offences(s) that led to the injury to the victim, the Director will be prepared to divide up the amount of the Provisional Order by the number of offenders involved. You just need to ask and provide information to the Director. Again, fill out and return the Notice of Objection, Affidavit of Financial Circumstances and Application to Pay Amount of Restitution By Arrangement or By Instalments.

Ask to pay less than the amount of the provisional order

If you have a good reason to ask for a reduction in the amount of the Provisional Order, the Director will consider your written explanation and may reduce the amount you have to pay. You just need to fill out and return the Affidavit of Financial Circumstances and the Application to Pay Amount of Restitution By Arrangement or By Instalments.

Director will accept monthly instalments

Provided you complete an Affidavit of Financial Circumstances with accurate and current information, the Director will always agree to let you pay your restitution by monthly instalments; the instalment amount will depend on your ability to pay.

Easy and free ways to make your monthly instalment

There are now some easy and free ways to pay your monthly instalments. They include the direct debit of your monthly instalment from most bank or other financial institution accounts or by fortnightly deduction from most Centrelink payments through Centrepay. We can also give you a deposit book so that you can make your payment directly into the Attorney General's bank account. You can also choose to send a cheque or money order but you will have to pay for the postage, bank or other fees involved.

Restitution is not connected to the Victims Compensation Levy

The Provisional Order is separate from the levy that you were required to pay following your conviction for the offence(s) that led to the award of compensation.

Restitution is a different process from your criminal proceedings

The restitution process is a civil legal process and is separate from your criminal proceedings. If a victim is injured as a result of an act of violence, the person is entitled to apply for compensation.

Questions?

If you have any questions about the restitution process, please contact Victims Services on (02) 8688 5511 or 1800 069 054 (toll free) and ask for the Restitution Section.