

Compensation Assessment Scheme – Frequently Asked Questions

What should I do when I receive an Assessment Letter?

When you receive your Assessment Letter, the email will ask you to respond in 28 days. You can respond by either accepting the assessment, or not accepting the assessment and providing a counter-offer.

Your response should be sent via email to auscas@nortonrosefulbright.com.

Your counter-offer should include the amount of compensation that you think you are eligible for arising from your loss or damage suffered as a result of the Data Breach.

If you do not respond to your Assessment Letter in 28 days, the Scheme Administrator will provide the Assessment Letter to the Department of Home Affairs without your response.

If you do not respond you are still entitled to receive compensation.

Why did I get an Assessment Letter?

You would have received an Assessment Letter because:

- You provided submissions or evidence to the OAIC; or
- You provided submissions or evidence to the Scheme Administrator during the notice period.

I received an email that says my personal information was not made public as part of the Data Breach. What does this mean?

You received this email because your personal information was not included in the spreadsheet containing approximately 9,000 individuals that was accidentally published on the Department of Immigration and Border Protection's website in 2014.

This means that you were not impacted by the Data Breach and are not entitled to receive compensation under the Compensation Assessment Scheme.

I received an email that says I am not eligible to receive compensation. What does this mean?

You received this email because the Scheme Administrator's records show that you did not provide submissions or evidence to the OAIC and did not explain why you did not respond to the OAIC.

Because you have not provided this information, you are not eligible to participate in the Compensation Assessment Scheme and receive compensation.

People I know have also got Assessment Letters. Why is their assessment of compensation different to mine?

The assessment you have received depends on the type of submissions and evidence you provided.

People who have suffered more serious harm as a result of the Data Breach, have incurred expenses as a result of the Data Breach, and have provided information in support of their claim for compensation will be entitled to receive more compensation than someone who has not been affected by the Data Breach or who has not provided information to either the OAIC or the Scheme Administrator.

What happens after I have provided my response to the Assessment Letter to the Scheme Administrator?

The Scheme Administrator will provide to the Department of Home Affairs:

- The Assessment Letter sent to you;
- Your response to the Assessment Letter; and
- The submissions and evidence you provided to either the OAIC or the Scheme Administrator.

The Department of Home Affairs will then review this information and either:

- Accept your counter-offer (if you made one);
- Accept the Scheme Administrator's assessment of your compensation; or
- Propose its own offer of the amount of compensation you are entitled to.

The Scheme Administrator will provide the Department of Home Affairs' response to you.

If the Department of Home Affairs accepts your counter-offer, you will be entitled to that amount of compensation. The next step will be to sign an agreement (called a settlement deed). After this, the Department of Home Affairs will be in touch with you to arrange payment of the compensation.

If the Department of Home Affairs:

- Does not accept your counter-offer, and makes its own counter-offer; or
- Accepts the Scheme Administrator's assessment

You can either:

- Accept the Department of Home Affairs' response; or
- Ask for your claim to be referred to expert assessment.

If you accept the Department of Home Affairs' response, you will be entitled to that amount of compensation. The next step will be to sign a settlement deed.

You will have **30** days to respond to the Department of Home Affairs' response. If you do not respond, you will be taken to have agreed to the Department of Home Affairs' response. This means that you will receive the amount of compensation that the Department of Home Affairs says you are entitled to.

I have received the Department of Home Affairs' response to my claim. What do the documents I have been sent mean?

When the Department of Home Affairs provides their response to your claim, the Scheme Administrator will process the Department of Home Affairs' response and then send an email to you (unless you have asked to be contacted by registered post). This email will describe the next steps that you need to follow.

The email from the Scheme Administrator will usually attach the following documents:

- A settlement deed between you and the Department of Home Affairs.
- A letter from the Department of Home Affairs explaining how to complete and sign the settlement deed.
- A statement of reasons from the Department of Home Affairs. This document will be sent to you if the Department provides a counter-offer in response to an offer made by you, or the Scheme Administrator's assessment.

What happens if I refer my claim to expert assessment?

An experienced senior lawyer who is independent from the Department of Home Affairs and the Scheme Administrator will review all the submissions and evidence you have provided and make a decision on the amount of compensation you will be entitled to. The decision of the expert is binding on you and the Department of Home Affairs.

How long will it take for me to receive my compensation? [Updated as at 26 March 2026]

It is difficult to provide an estimate of how long it will take for you to receive your compensation. This depends on how the Department of Home Affairs responds to your claim, and how you respond to the Department of Home Affairs.

The Scheme Administrator was previously advised that the Department of Home Affairs was unable to respond to most class member claims until an agreement with Services Australia was finalised for the repayment of applicable Medicare benefits under the *Health and Other Services (Compensation) Act 1995* (Cth).

The Department has advised that an agreement with Services Australia has been finalised and has been providing responses to many class members whose claims fall within the scope of the *Health and Other Services (Compensation) Act 1995* (Cth). The Scheme Administrator is currently reviewing these responses and providing the Department's response to class members via email.

Please note that the process of finalising and providing responses to all class members is anticipated to take some months.