



Australian Government

Department of Home Affairs

Application for discretionary compensation

Form
1459

The Scheme for Compensation for Detriment Caused by Defective Administration (the CDDA Scheme) enables government agencies such as the Department of Home Affairs (the Department) to compensate a person or organisation. The person or organisation must have experienced detriment caused by an agency's 'defective' actions or inactions and have no other avenue of redress.

The purpose of the CDDA Scheme is to put a claimant back into the financial position they would have been in had the 'defective administration' not occurred. Payments made under the CDDA Scheme are discretionary.

A mistake made by the Department or an official of the Department does not automatically mean compensation is payable under the CDDA Scheme. Compensation is only payable if a loss is suffered as a direct result of the Department's defective administration and at the discretion of the authorised officer.

Defective administration

Defective administration is:

- a specific and unreasonable lapse in complying with existing administrative procedures that would normally have applied to the claimant's circumstances; or
- an unreasonable failure to institute appropriate administrative procedures to cover a claimant's circumstances; or
- giving advice to (or for) a claimant that was, in all circumstances, incorrect or ambiguous; or
- an unreasonable failure to give to (or for) a claimant, the proper advice that was within the official's power and knowledge to give (or was reasonably capable of being obtained by the official to give).

The Department of Finance is responsible for providing policy advice on the CDDA Scheme. Further information is available from www.finance.gov.au/resource-management/discretionary-financial-assistance/cdda-scheme/information-for-applicants-cdda.html

Completing this form

Any person or organisation can apply for compensation under the CDDA Scheme. There is no time limit by which a claim must be submitted. However, significant lapses in time between the alleged defective administration and the claim being made could make it difficult to gather evidence and verify facts.

Returning this form

The completed form can be lodged either:

By mail:

Director
Civil Litigation and Compensation Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2616
AUSTRALIA

By email:

compensationclaims@homeaffairs.gov.au

By fax:

(02) 6264 1401

It is recommended that you keep a copy of your application and all attachments for your records. The Department does not retain copies of documents. If you wish to keep original documents, you should only provide copies of documents to the Department. The Department does not accept physical evidence in support of claims.

Receipt of claim

- Claims are normally processed in order of receipt.
- Your claim will be acknowledged within 7 days of receipt.
- You will be notified in writing once your claim has been allocated to a case officer for processing.

Note: Payments made to you under the CDDA Scheme may form part of your taxable income. It is your responsibility to declare all such income. You should contact your local Taxation Office or seek independent financial advice to determine the effect of any payment on your tax obligations.

Important information about privacy

Your personal information is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, is contained in form 1442i *Privacy notice*. Form 1442i is available from the Department's website www.homeaffairs.gov.au/allforms/ or offices of the Department. You should ensure that you read and understand form 1442i before completing this form.

Consent to communicate electronically

The Department may use a range of means to communicate with you. However, electronic means such as fax or email will only be used if you indicate your agreement to receiving communication in this way.

To process your claim the Department may need to communicate with you about sensitive information. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with.

If you agree to the Department communicating with you by electronic means, the details you provide will only be used by the Department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the Department over the internet or by other electronic means.

Note: Electronic communication is the fastest means of communication available and the Department prefers to communicate electronically because this results in faster processing.

Please keep this information page for your reference

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Please open this form using Adobe Acrobat Reader.
Either type (in English) in the fields provided or print this form
and complete it (in English) using a pen and BLOCK LETTERS.

Tick where applicable

Part A – Claimant’s details

Compensation for Detriment caused by Defective Administration (CDDA) claims are registered in the name of the person (or organisation) who experienced the alleged defective administration (**the claimant**). We understand this may not always be the same person who suffered the alleged financial detriment.

- 1** This claim is for:
an individual **Go to Question 4**
a business

Business details

- 2** Business trading name

Australian Business Number (ABN)
- 3** Details of business executive making a claim on behalf of business
Preferred title: Mr Mrs Miss Ms Other
Family name

Given names

Position within the business

▶▶ **Go to Question 6**

Individual’s details

- 4** Name of individual
Preferred title: Mr Mrs Miss Ms Other
Family name

Given names

- 5** Date of birth
Day Month Year
/ /

Additional details

- 6** Current business/residential address

 Postcode
- 7** Address for correspondence
(If the same as business/residential address, write 'AS ABOVE')

 Postcode
- 8** Contact telephone numbers
Office hours (Area code)
After hours (Area code)
- 9** Do you agree to the Department communicating with you by fax, email, or other electronic means?
No
Yes ▶ Give details
Fax number (Area code)
Email address

Part B – Authorised recipient

An authorised recipient is someone appointed by you to act on your behalf in relation to your claim under the CDDA Scheme. They can communicate with the Department, make statements and provide evidence on your behalf.

In the event that compensation is found to be payable, the authorised recipient cannot accept payment on your behalf. Only the claimant or their legal representative can sign the settlement document.

If you decide to appoint an authorised recipient, you must provide the Department with your written authority.

It is not necessary to appoint an authorised recipient – you may choose to deal with the Department directly.

10 Are you appointing an authorised recipient to act on your behalf in relation to this claim?

No **Go to Part C**

Yes Your written authority is required before the Department can communicate with the person you choose as your authorised recipient.

11 Authorisation

I, (the claimant)

consent to the Department of Home Affairs communicating with my authorised recipient whose details appear at Question 12.

Signature of claimant

Day Month Year

Date

12 Authorised recipient's details

The Department will provide all future written and electronic communications regarding this CDDA claim to the authorised recipient whose details are listed below.

Preferred title: Mr Mrs Miss Ms Other

Family name

Given names

Postal address

Postcode

Telephone numbers

Office hours (Area code)

After hours (Area code)

Can the Department communicate with your authorised recipient by fax, email, or other electronic means?

No

Yes Give details

Fax number (Area code)

Email address

13 Authorised recipient's acknowledgement – To be completed by the authorised recipient

I acknowledge that I have been appointed to act on behalf of the claimant in relation to this claim.

Signature of authorised recipient

Day Month Year

Date

