

## **Application for discretionary compensation**

1459

**Department of Home Affairs** 

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.





# **Application for discretionary compensation**

Form 1459

**Department of Home Affairs** 

	Please open this form using Adobe Acrobat Reader. Either type (in English) in the fields provided or print this form		Additional of	details			
	and complete it (in English) using a pen and BLOCK LETTERS.	6	Current busines	ss/residential ac	ldress		
	Tick where applicable 🗸						
	Part A – Claimant's details						
						Postcode	_
	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 ( <b>the claimant</b> ). We understand this may not always be the same person who suffered the alleged financial detriment.	7	Address for cor (If the same as		ential address,	write 'AS ABOVE')	
1	This claim is far.						
•	This claim is for: an individual  Go to Question 4					Postcode	
	a business	8	Contact telepho	one numbers			
	Business details		Office hours	(Area code	)		
	Dusiliess details		After hours	(Area code	)		
2	Business trading name						
	Australian Business Number (ABN)	9	or other electro		nt communica	ting with you by fax, em	ìіl,
3	Details of business executive making a claim on behalf of business		Fax number	(Area code	)		
	Preferred title: Mr Mrs Miss Ms Other		Email address				
	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	Day Month Year  Date of birth / /						

## 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 apprelation to t	pointing an authorised recipient to act on your behalf in his 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 E				nmunicating with my uestion 12.
Signature of claimant				
	Day	Month	Year	

12	Authorised	recipient's	details
----	------------	-------------	---------

whose details a		·
	Mr Mrs	Miss Ms Other
Family name		
Given names		
GIVEIT HAITIES		
Postal address		
		Postcode
Telephone numl	oers	
Office hours	(Area code	)
After hours	(Area code	)
Can the Departremail, or other 6		icate with your authorised recipient by fax, ns?
Yes ☐ ▶ Giv	e details	
Fax number	(Area code	)
Email address		
Authorised recip	-	nowledgement – To be completed by the
I acknowledge t claimant in relat		n appointed to act on behalf of the m.

Signature of authorised recipient	£							
	Day	N	lonth	Year	_			
Date		/	/					

## Part C – Compensation claim details

### 14 Background to the claim

Provide specific details of how the Department's actions or inactions were defective. Describe the facts, listed in date order as appropriate, which give rise to your claim against the Department.

It would assist the Department if you provide names, dates, and places where these dealings took place.

Attach all available supporting documents.				

If you need more space, attach a separate page with details.

### 15 Actions taken to resolve the matter in question

Provide details of actions you have taken to resolve the matter in question (eg. contacting the Department, contacting the Commonwealth Ombudsman, contacting the courts or tribunals).

Include details of the status/outcome for each action.

Attach all available supporting documents.


If you need more space, attach a separate page with details.

#### 16 Detriment

Provide details of the detriment being claimed. Detriment is the amount of quantifiable financial loss that you can demonstrate you have suffered. In order for your claim to be successful, you must be able to demonstrate that the detriment was suffered as a direct result of the alleged defective administration. All detriment claimed must be substantiated.

**Note**: Compensation under the CDDA Scheme is **not payable** solely for grief or anxiety, hurt, humiliation, embarrassment, disappointment, stress or frustration that is unrelated to personal injury which is being compensated under the CDDA Scheme, no matter how intense the emotion may be.

Attach all available supporting documents (eg. receipts).

Description of claimed item	Currency	Amount	Receipt/e attac	evidence :hed?
			No 🗌	Yes
			No 🗌	Yes
			No	Yes
			No 🗌	Yes
			No 🗌	Yes
			No 🗌	Yes
			No 🗌	Yes
Total amount being claimed		_		

17 CDDA is considered a remedy of last resort used only where there is no other viable remedy available. Provide details of actions you have taken to seek redress of the claimed loss. For example, have you applied for a refund or credit of any of the above claimed loss.

### Part D – Declaration

**18 WARNING**: Giving false or misleading information or documents is a serious offence.

I declare that:

- the information I have supplied in this application is complete, correct and up-to-date in every detail.
- all relevant information has been included in this application.
- I have read the information contained in form 1442i *Privacy notice*.
- I understand the Department may collect, use and disclose my personal information (including biometric information and other sensitive information) as outlined in form 1442i *Privacy notice*.

Signature of claimant	L			
	Day	Month	Year	
Date		/ /		

We strongly advise that you keep a copy of your application and all attachments for your records.

If you need more space, attach a separate page with details.