



What is the CDDA Scheme?

In cases where it has been established that there is no legal liability to pay compensation, the CDDA Scheme provides a mechanism for non-corporate Commonwealth entities (NCEs) to compensate persons who have experienced detriment as a result of a NCE's defective actions or inaction.

The CDDA Scheme is available to provide a remedy for all NCEs under the *Public Governance, Performance and Accountability Act 2013*, with the exception of the Departments of Parliament.

The CDDA Scheme is discretionary as well as permissive. It does not oblige the decision-maker to approve a payment in any particular case.

Claims under the CDDA Scheme are managed and investigated by the NCE which is alleged to have been defective. The Department of Finance only provides policy advice on the CDDA Scheme.

Who has the authority to make decisions?

The CDDA Scheme is an administrative, not a statutory (legislative) scheme. It has been established under the executive power of section 61 of the Constitution.

Portfolio Ministers have responsibility for decisions made under the CDDA Scheme. Ministers may also authorise departmental officers to make decisions.

When are compensation payments made?

Payments made under the CDDA Scheme are discretionary. This means there is no automatic entitlement to a payment.

Payments may be made by the relevant portfolio Minister or authorised officer if a Government officer or NCE has directly caused an applicant to experience detriment as a result of defective administration.

The CDDA Scheme is generally an avenue of last resort and is used only where there is no other viable avenue to provide redress.

That a mistake has been made by an entity or an official of an entity does not automatically mean compensation is payable under the CDDA Scheme.

What is defective administration?

Defective administration is defined as:

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



What is detriment?

Detriment means quantifiable financial loss that the applicant has suffered.

There are three types of detriment:

- detriment relating to a personal injury including mental injury (personal injury loss);
- economic detriment that is not related to a personal injury (pure economic loss); and
- detriment relating to damage to property.

Who can apply for compensation?

Any individual, company or other organisation can apply for compensation, either for themselves or for an authorised third party. There is no guarantee of a favourable outcome.

How do I apply?

Claims are made in writing to the NCE to which your compensation claim relates.

Your application should address:

- the criteria for determining defective administration;
- explain how the actions or inactions were defective;
- provide details of the detriment being claimed, including an explanation of how the amount claimed is calculated; and
- explain how the defective administration directly caused the loss.

Please include all relevant evidence in support of your application e.g. correspondence between yourself and the relevant NCE, medical certificates etc. Please send all information to the NCE.

Contact details for large NCEs are listed below on the following page.

Further information

The Commonwealth Ombudsman has also produced a factsheet on the CDDA Scheme. You can contact the Commonwealth Ombudsman on the following details:

Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

1300 362 072

www.ombudsman.gov.au

If you have a complaint about an agency in regard to the CDDA Scheme, or you are dissatisfied with a NCE's decision under the CDDA Scheme, you should contact the Commonwealth Ombudsman. The Department of Finance does not review decisions made under the CDDA Scheme.



Contact details for other NCEs

Commonwealth Entity	Address	Phone
Australian Federal Police	Professional Standards Operations Monitoring Centre PO Box 401 CANBERRA CITY ACT 2601	(02) 6131 6789
Australian Taxation Office	ATO General Counsel PO Box 900 CIVIC SQUARE ACT 2608	1800 005 172
Department of Agriculture	GPO Box 858 CANBERRA ACT 2601	(02) 6272 3933
Department of Defence	Defence Legal—DSFC CP2-4-080 PO Box 7911 CANBERRA BC ACT 2610	1300 333 362
Department of Education and Training	GPO Box 9880 Canberra ACT 2601 cdda@education.gov.au	1300 566 046 (Switchboard)
Department of Health	GPO Box 9848 CANBERRA ACT 2601	1800 020 103
Department of Human Services (including Child Support, Centrelink and Medicare)	<i>Child Support</i> Attention: Child Support Compensation Team Department of Human Services GPO Box 9815 Melbourne Vic 3001 <i>Centrelink and Medicare</i> Your local Centrelink or Medicare shopfront	1800 247 302 1800 995 496
Department of Immigration and Border Protection	Director, Civil Litigation and Compensation Section PO Box 25 BELCONNEN ACT 2616	02 6264 4189
Department of Veterans' Affairs	GPO Box 9998 Canberra ACT 2600	133 254