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[Delete this OFFICIAL: Sensitive, Personal privacy once you have checked the classification label is correct]

Minute

To: Authorised Officer's name or Position number

[Authorised Officer's title]

XXXXXXXXXXXXXX

XXXXXXXXXXXXXX

Through: Clearance Officer's name or Position number

[Clearance Officer's title]

XXXXXXXXXXXXXX

XXXXXXXXXXXXXX

Cc: N/A

Date: [Insert date minute is sent for clearance]

Ref No: LSR: DCxxx-xxxxxx

PDMS: xx

CID: xxx

Compensation request –

xx xxxxxxxx XXXXXXXXX

Timing

By [Insert date – 2 weeks from clearance].

Purpose

To:

1. seek your decision regarding whether to pay xxxxxxxx (the Applicant) compensation under the Scheme for Compensation for Detriment caused by Defective Administration (the CDDA Scheme).

Summary and recommendations

2. This Minute and its attachments contain information that is relevant in deciding whether to pay the Applicant compensation under the CDDA Scheme (these include, the Applicant's application under the CDDA scheme and the documents the Applicant has submitted in support of his application). You should consider all the information in this Minute and its attachments before making any decision.
3. It is recommended that you do /do not approve a payment of compensation on the basis that there was no defective administration on the part of the Department of Home Affairs (the Department).

Authority to consider CDDA claims

4. The CDDA Scheme operates on the basis of authority provided to individual portfolio ministers under the executive power of sections 61 and 64 of *the Australian Constitution*.
5. Portfolio ministers decide applications made under the CDDA Scheme. A portfolio minister may authorise an official in a portfolio entity to consider and decide applications made under the CDDA Scheme.
6. The minister's authority is required to be conferred expressly and must be given separately from the minister's general authorisations to incur expenditure.
7. As at the date of this Minute, you have the necessary ministerial authorisation to determine this claim (please check the relevant instrument of authorisation if there are any changes to your position after this date).

The claim

8. The Applicant's claims can be summarised as being for compensation in the amount of AUDxxxxxxx in relation to xxxxxxxxxxxx [Details].
9. The Applicant's quantified the AUDxxxxxx loss as being for xxxxxxxxxxxx. A copy of the Applicant's CDDA application and supporting documents is at **Attachment A**.

Background facts

10. Xxxxxxxx

The CDDA Scheme

11. Policy guidance on the operation of the CDDA Scheme is set out in Resource Management Guide No. 409 issued by the Department of Finance (the CDDA guidelines). Under the CDDA guidelines there is discretion to pay compensation under the CDDA Scheme if the Department's defective administration directly

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caused a person or organisation to suffer a quantifiable financial loss.

Compensation can be paid where no other avenues of redress are available to the applicant.

12. Pursuant to the CDDA guidelines, defective administration can arise where there was:
 - a specific and unreasonable lapse in complying with existing administrative procedures that would normally have applied to an applicant's circumstances; or
 - an unreasonable failure to institute appropriate administrative procedures to cover an applicant's circumstances; or
 - giving advice to (or for) an applicant that was, in all circumstances, incorrect or ambiguous; or
 - an unreasonable failure to give to (or for) an applicant, 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.
13. The Applicant's own actions may be a relevant consideration for the decision-maker in determining the level of detriment that has been suffered, including considering what actions were taken to mitigate a loss. The decision-maker may consider whether the Applicant contributed to, or caused, the detriment suffered and whether it is appropriate to adjust the compensation amount on this basis.
14. The Department offers an internal review if applicants can provide new and relevant information or evidence that may change the outcome of the decision.
15. It is also open to applicants to write to the Ombudsman and seek review of CDDA decisions.

Key principles:

16. In making this decision under the CDDA Scheme, you must:
 - behave honestly and with integrity, care and diligence and treat everyone with respect and courtesy;
 - deliver services fairly, efficiently and impartially;
 - determine each claim on its own merits and on a case-by-case basis;
 - avoid taking a legalistic approach;
 - ensure that the Department's interests are protected and all material evidence is obtained.
17. Prior to considering this claim, **you must confirm that you have no conflict of interest and that you can be impartial in relation to a decision about the applicant/this claim.**

Was there defective administration?Use headings to break up the information

18. XXXXXXXX

Detriment

19. If an authorised officer has determined that no defective administration has occurred, it would not be necessary to consider the issue of detriment. Therefore, it is open to you to find that no compensation is payable under the CDDA Scheme.

20. XXXX.

Procedural fairness

21. The Applicant was sent a procedural fairness letter on xxxxx giving the Applicant 14 days to comment or provide further information on their claim (see Attachment B). No response was received within the timeframe.

22. XX

Consultation

23. The responsible business area, xxxxxx, has been consulted in relation to this claim

Sensitivities

24. XXXX

Recommendations

It is recommended that you:

- a) **note** the contents of this Minute and **sign** the minute if you agree with the reasoning set in the Minute;

Noted/Not Noted/Discuss

- b) **approve / do not approve** a payment of **AUDxxxxxxx** to the Applicant on the basis that the costs were incurred as a result of any defective administration on the part of the Department. These costs have or This costs has ...;

Description of claim	Amount in AUD	Authorised Officer's decision
XXXXXX	XXXX	Compensation Approved/ Compensation Not Approved/ Discuss

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Description of claim	Amount in AUD	Authorised Officer's decision
Xxxxxxx	Xxxx	Compensation Approved / Compensation Not Approved/ Discuss
Xxxxxxx	xxxx	Compensation Approved / Compensation Not Approved/ Discuss
Sub total	xxxxxxx	

- c) **do not approve a payment** of AUDxxxxxxx to the Applicant on the basis that the costs were not incurred as a result of any defective administration on the part of the Department. These costs have or This costs has ...;

Description of claim	Amount in AUD	Authorised Officer's decision
Xxxxxxx	xxxx	Compensation/ Compensation Not Approved/ Discuss
Xxxxxxx	Xxxx	Compensation/ Compensation Not Approved/ Discuss
Xxxxxxx	xxxx	Compensation/ Compensation Not Approved/ Discuss
Sub total	xxxxxx	
Grand TOTAL	xxxxxxx	

- d) **agree** for a copy of this Minute to be provided to the Applicant so that he may have an adequate explanation of the reasons for your decision (once made) as specified in paragraph 78 of the CDDA guidelines. If you should disagree, a Statement of Reasons will be provided to the Applicant.

or

- e) **agree** with the reasoning set out in the draft Decision Record at Attachment B, sign the decision record, with any amendments you consider necessary.

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Agree/Not Agreed/Discuss**[Insert endorser's signature here]****[Insert decision maker's signature here]**Recommendation endorsed by: **[First name only]**

Authorised Decision Maker: Choose relevant position number

Position Number: **[your position number]****[AO's title]**Discretionary Compensation Section
Legal Strategy & Services Branch
Legal GroupDiscretionary Compensation Section
Legal Strategy & Services Branch
Legal Group**[Insert date of signature]****[Insert date of signature]****Case Officer:****Division/branch:** [Division or branch]**Phone:** [Landline or mobile number]**Attachments:**

Attachment A – Applicant's CDDA application and supporting material

Attachment B – Procedural fairness letter (delete if not necessary).

Attachment C – Draft Decision Record

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