



When to use this form



Use this form to claim compensation from Services Australia for financial loss or personal injury suffered as a result of our negligence or defective administration.

You need to read these notes before you fill in the form. They tell you about:

- settlements in cases where the Commonwealth is legally liable, and the Compensation for Detriment caused by Defective Administration (CDDA) Scheme
- what sort of losses or injuries you can claim compensation for
- the process for deciding your claim
- your right to seek assistance from the Commonwealth Ombudsman.

Legal liability

The decision whether to pay compensation must be based on whether there is a meaningful prospect of liability being established. Settlement of the claim must be in accordance with legal principle and practice. For a claim of negligence causing loss or damage to succeed, all of the following must be established:

- a duty of care to a reasonable standard was required
- a failure to conform to that standard occurred (that is, a breach of that duty)
- the person suffered reasonably foreseeable economic loss because of the breach of the duty of care
- there is a reasonable connection between the breach of the duty and the economic loss suffered.

Compensation for Detriment caused by Defective Administration (CDDA)

If it is decided that there is no meaningful prospect of the Commonwealth being found to be legally liable, the CDDA Scheme may be applicable. The CDDA Scheme provides for compensation to be paid where a person has suffered reasonably foreseeable financial loss, personal injury or property damage where one or more of the following 4 criteria have been met:

- a specific and unreasonable lapse in complying with existing administrative procedures that would normally have applied to the claimant's circumstances
- an unreasonable failure to institute appropriate administrative procedures to cover a claimant's circumstances
- giving advice to (or for) a claimant that was, in all circumstances, incorrect or ambiguous
- 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).

We apply the guidelines for the CDDA Scheme, published by the Department of Finance in the relevant Resource Management Guide 409. For more information, go to finance.gov.au and search for 'CDDA'.

Types of loss

You can claim for loss or injury including:

- economic loss arising from personal injury (such as medical expenses)
- economic detriment that is not related to a personal injury (pure economic loss)
- detriment relating to damage to property.

Under the CDDA Scheme compensation is not payable for grief or anxiety, hurt, humiliation, embarrassment, disappointment, stress or frustration that is unrelated to a personal injury, no matter how intense the emotion may be.

You can only claim losses which were caused by our negligence or defective administration, and the losses you have suffered must be reasonably foreseeable and not too remote. If there were reasonable actions you could have taken to avoid or limit your loss, we will take this into account when considering an offer of compensation.

Before lodging your claim for compensation, talk to us about whether there is any other way to remedy the problem.

Options such as review or appeal should be explored before a claim is considered under the CDDA Scheme.

Keep these Notes (Pages 1 to 2) for your information.

Compensation Application

Claim process

We will send you an acknowledgement letter within 5 business days of receiving your claim and provide you with the name and direct contact details of the case manager handling your claim. If you do not receive a letter from us acknowledging receipt of your claim within 14 days, call us on **1800 995 496**.

We aim to resolve claims within 90 days, however, this will not always be possible. The authorised officer will make a decision about your claim and you will be notified in writing of the outcome.

Correspondence about your compensation claim will not be sent via your myGov account.

If you disagree

If you are dissatisfied with the decision or the way we have handled your matter, you can contact the case manager directly to discuss and/or seek assistance from the Commonwealth Ombudsman. The Ombudsman can look at whether the decision was fair and reasonable in the circumstances. You can call the Ombudsman's office on **1300 362 072** for the cost of a local call anywhere in Australia.

For more information

Go to servicesaustralia.gov.au or visit the Department of Finance website finance.gov.au

Call us on **1800 995 496**.



Information in your language

We can translate documents you need for your application for free.

To speak to us in your language, call **131 202**.



Hearing and speech assistance

If you have a hearing or speech impairment, you can use:

- the National Relay Service **1800 555 660**, or
- our TTY service on **1800 810 586**. You need a TTY phone to use this service.

For more information about help with communication, go to servicesaustralia.gov.au and search 'other support and advice'.

Returning this form

Check that all required questions are answered and that the form is signed and dated.

Return this form and any supporting documents:

- **online** using your Centrelink online account. For more information, go to servicesaustralia.gov.au/centrelinkuploaddocs
- by post to
 - Services Australia
 - Customer Compensation
 - Legal Services Division
 - PO Box 7788
 - CANBERRA BC ACT 2610

11 Why do you think you are entitled to compensation from Services Australia?

Set out the action or inaction of Services Australia that you consider has caused your loss.

Include dates, who you spoke to, the location of the service centre, and any other details that may be relevant.

Form area for question 11 with horizontal dashed lines for writing.

If you need more space, provide a separate sheet with details.

12 Are you seeking monetary compensation?

No Give details below

Yes How much money are you claiming?

\$

If the amount is unknown, or you wish to provide more information, give details below

Form area for question 12 with horizontal dashed lines for writing.

If you need more space, provide a separate sheet with details.

13 List and provide copies of any relevant documentation in support of your claim.

Form area for question 13 with horizontal dashed lines for listing documentation.

If you need more space, provide a separate sheet with details.

Privacy notice

14 You need to read this

Privacy and your personal information

The privacy and security of your personal information is important to us, and is protected by law. We collect this information so we can process and manage your applications and payments, and provide services to you. We may need to disclose your claim and other supporting documents for the purposes of assessing insurance coverage of your claim. We will only share your information with other parties where you have agreed and signed the Declaration below, or where the law allows or requires it. For more information, go to servicesaustralia.gov.au/privacypolicy

15 Declaration

I declare that:

- the information I have provided in this form is complete and correct.

I understand that:

- Services Australia can make relevant enquiries to make sure I receive the correct entitlement.
- giving false or misleading information is a serious offence.

I have read, understood and agree to the above.

Date (DD MM YYYY) (you **must** date this declaration)

Form boxes for date entry: DD, MM, YYYY.

Your signature (**only** required if returning by post)

Form area for signature with a pen icon.