



COMPENSATION FOR DETRIMENT CAUSED BY DEFECTIVE ADMINISTRATION

If you have been disadvantaged because of a Centrelink error or incorrect advice, you may be entitled to compensation.

This Factsheet is to help you in claiming compensation.

Situations where you can claim compensation

When Centrelink has done or not done something and you have suffered a loss as a result you can claim compensation. This is usually when the law cannot help you and you would be unsuccessful by appealing a decision or even when there is no decision to appeal.

Incorrect advice or action by Centrelink

Centrelink is required to provide you with correct information. When it fails to provide you with correct information or is negligent in its actions you may claim compensation. To show that you suffered a loss because Centrelink did not advise you correctly or act correctly, you will need to convince Centrelink that:

- there was a wrong advice or action by a Centrelink officer;
- you suffered a loss, financially or other detriment (e.g. pain and suffering, emotional distress); and
- the loss was suffered because of the wrong advice or action.

Defective administration

Centrelink can make a payment under the scheme Compensation for Detriment caused by Defective Administration.

You will need to show that the loss was caused by a Centrelink officer who:

- unreasonably failed to comply with existing procedures; or
- unreasonably failed to carry out appropriate procedures; or
- gave advice that was inadequate or unreasonably failed to give advice that should have been given.

How to make a claim

A claim for compensation for Defective Administration is made in writing. Centrelink has a form that you can fill out.

The Centrelink form has four sections. These are:

- why you think you are entitled to compensation;
- if you are seeking monetary compensation, how much;
- evidence to support your claim; and
- if you are not seeking monetary compensation, how you would like your claim to be addressed.

It is important to include dates and details of relevant events. Attach any relevant documents or other evidence which supports your version of events. Also attach relevant receipts, bills or other evidence of losses that you have incurred.

If it is difficult for you to make your claim for compensation in writing you should go to a Centrelink office where a Centrelink officer can help you make the claim.

THIS FACTSHEET CONTAINS INFORMATION ONLY. IT MUST NOT BE RELIED ON AS LEGAL ADVICE. YOU SHOULD SEEK LEGAL ADVICE ABOUT YOUR PARTICULAR MATTER FROM THE WELFARE RIGHTS CENTRE.