

## Department of Finance

### Response to Question on Notice

#### PARLIAMENTARY JOINT COMMITTEE ON CORPORATIONS AND FINANCIAL SERVICES

#### Inquiry into Oversight of ASIC, the Takeovers Panel and the Corporations Legislation No.1 of the 46th Parliament

#### *Scheme for Compensation for Detriment caused by Defective Administration*

Hearing of 16 November 2021

#### Question on Notice 3 (Proof Hansard page 5)

**Mr HILL:** Is that reviewable? Does it need to be a written decision? The threshold decision, if you like, is to form a prima facie view on whether it's a legitimate claim that has some merit in assessing it. Is that decision required to be made by a minister or is it fully discretionary? There's no time line specified in the guidance?

**Mr Sebar:** No, there isn't. We will come back to you on notice with some more advice around that.

#### Response

*Resource Management Guide 409, Scheme for Compensation for Detriment caused by Defective Administration*<sup>1</sup> provides advice about the coverage of the CDDA Scheme.

Where an application is received that does not meet the prima facie test for consideration under the CDDA Scheme, Finance considers it to be good practice for an authorised decision-maker to communicate this advice.

RMG 409 does not provide advice to agencies on the timeframes by which applications under the CDDA Scheme should be considered. Agencies are responsible for establishing their own internal processes and standards by which to manage applications under the CDDA Scheme.

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<sup>1</sup> <https://www.finance.gov.au/publications/resource-management-guides/scheme-compensation-detriment-caused-defective-administration-rmg-409>