



To: Minister Rae

Subject: Scheme for Compensation for Detriment caused by Defective
Administration Authorisation

Critical date: 13 June 2025 to allow for a timely outcome of the recommendations in the brief

Recommendations:

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| <p>1. Agree to authorise three positions in the Aged Care Quality and Safety Commission (the Commission) as authorised officials to consider and make decisions on claims under the Scheme for Compensation for Detriment caused by Defective Administration.</p> | <p>1. <u>Agreed</u>/Not agreed/Please discuss</p> |
| <p>2. Sign the authorisation instrument (Attachment A) appointing three positions as authorised officials in the Commission for the abovementioned purpose.</p> | <p>2. <u>Signed</u>/Not signed/Please discuss</p> |

Signature
Comments

s 22(1)(a)(ii)

Date: 16 / 6 / 25

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Submission summary:

The Aged Care Quality and Safety Commission (the Commission) seeks the Minister's agreement to authorise three positions in the Commission (the Aged Care Quality and Safety Commissioner, Deputy Commissioner, Corporate, and Chief Financial Officer) as 'authorised officials' to consider and make decisions on claims under the Scheme for Compensation for Detriment caused by Defective Administration (CDDA Scheme).

In the absence of this authority, the Minister is responsible for making decisions on such claims for compensation.

Issues:

1. The Aged Care and Quality Commission (the Commission) has authorised officials in place for the CDDA Scheme that were made by the former Minister for Aged Care. While these authorisations continue in effect, it is good administrative practice to provide a new Minister with the opportunity to consider arrangements for delegated decision-making and issue a new instrument of authorisation.
2. In recognition of the potentially sensitive nature of decisions made under the CDDA Scheme and the duties that attach to the following positions, the Commission considers these positions to be appropriate as 'authorised officials':
 - Aged Care Quality and Safety Commissioner;
 - Deputy Commissioner, Corporate; and
 - Chief Financial Officer.

An authorisation instrument to that effect is provided at Attachment A for the Minister's consideration and execution, noting the content of the instrument is based on advice received from the Department of Finance.

3. As any claims made under the CDDA Scheme that are received by the Commission relate to the defective administration of its functions and performance, the authorisations sought align with the responsibilities of the Commission as a non-corporate Commonwealth entity and Resource Management Guide 409, and support the timely and effective management of claims made under the CDDA Scheme.

Background:

The CDDA Scheme is a discretionary mechanism available to non-corporate Commonwealth entities. It allows an entity to pay compensation when a person or organisation has suffered detriment because of the entity's defective administration, when there is no legal requirement to make a payment.

The entity which is the subject of a claim under the CDDA Scheme is the entity responsible for considering and making a decision on that claim, with such decisions being made by the portfolio minister. Relevantly, a portfolio minister may authorise one or more officials in a portfolio entity to make decisions on claims under the CDDA Scheme.

It is noted that as at the date of this submission, the Commission has not received any claims under the CDDA Scheme, although a potential claim has been received and is being actioned. This submission and the authorisation instrument assists in this regard.

Attachments:

A: Authorisation Instrument

Sensitivities:

Claims made under the CDDA Scheme may be of a sensitive nature, and therefore authorisations made by the Minister may be subject to public scrutiny. The Commission considers that the abovementioned positions for which authorisation is sought would withstand any such scrutiny.

Consultations:

- s 22(1)(a)(ii) [redacted] Executive Director, Enterprise Governance and Strategy
- s 22(1)(a)(ii) [redacted] Chief Financial Officer
- s 22(1)(a)(ii) Deputy Commissioner, Corporate
- s 22(1)(a)(ii) [redacted] Aged Care Quality and Safety Commissioner

Communication/Media Activities:

The Commission has not identified any current or potential communication or media activities relating to this submission or the proposed authorisations.



Australian Government

AUTHORISATION

To approve payments under the Scheme for Compensation for Detriment caused by Defective Administration

I, The Hon Sam Rae MP, Minister for Aged Care and Seniors, hereby **authorise** the officials holding, occupying or performing the duties of the positions of:

- Aged Care Quality and Safety Commissioner
- Deputy Commissioner, Corporate, Aged Care Quality and Safety Commission
- Chief Financial Officer, Aged Care Quality and Safety Commission

to determine proposals to make payments under the Scheme for Compensation for Detriment caused by Defective Administration on my behalf.

Dated: 16/6/25

s 22(1)(a)(ii)

Minister for Aged Care and Seniors