



ACT
Government

Justice and Community Safety

JACS2021/420-421

FREEDOM OF INFORMATION REQUEST – DECISION NOTICE

I refer to your applications received by the Justice and Community Safety Directorate (JACS) on 8 February 2021 in which you sought access to the following information under the *Freedom of Information Act 2016* (the Act):

1. *“JACS policy, guidelines, and processes for compensating members of the public who have suffered losses as a result of negligent, defective or substandard administrative actions, either actions that were both ultra vires and intra vires, or where there was a failure to apply policy, the number of times these policies were exercised over the financial years 2017/18, 2018/19 2019/20”*
2. *“PTG policy, guidelines, and processes for compensating members of the public who have suffered losses as a result of negligent, defective or substandard administrative actions, either actions that were both ultra vires and intra vires, or where there was a failure to apply policy, the number of times these policies were exercised over the financial years 2017/18, 2018/19 2019/20”*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Relevant Information

In the ACT Public Sector, matters of maladministration are compensated via act of grace payments. The publicly available [Act of Grace Payment Factsheet](#) is relevant to the scope of your request.

I refer to the portion of your application requesting “the number of times these policies were exercised over the financial years 2017/18, 2018/19 2019/20”. I can confirm that JACS has made one Act of Grace payment to a constituent during the 2019-20 financial year. This is documented at page 270 of the [JACS Annual Report 2019-20](#). Please note due to the confidential nature of act of grace payments, I cannot confirm the nature of the claim and provide this information for your reference only.

I have decided that this information is in the public interest to release as per the following provision.

2.1 Factors favouring disclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
 - (iii) inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <http://www.justice.act.gov.au/disclosure-log>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

The review of decision application form is available at:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact JACS FOI via jacsfoi@act.gov.au or phone 6207 2167.

Yours sincerely



Karen Doran
Deputy Director-General - Community Safety

9 March 2021