



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2023436
Date of Application	15 December 2023
Date of Decision	23 January 2024
Processing time (in working days)	21
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	Ex gratia payments made by the ACT.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input type="checkbox"/> Published <input checked="" type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD.FOI](#)
Subject: Compensation for wrongly convicted
Date: Monday, 6 November 2023 4:34:24 AM

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Dear Chief Minister,

I am a candidate researching for my thesis for a Master of Philosophy (in Law) through the University of Western Australia.

My research proposal is into the failure by most governments in Australia to provide for compensation by way of legislation to those wrongfully convicted of crimes.

Your Territory is one of the enlightened governments in Australia having passed legislation to compensate exonerates.

Australia is a signatory to the International Convention on Civil and Political Rights (ICCPR) and despite recognising Article 14(6) except for the ACT has not legislated to correct this wrong.

Most States and the Federal Government will make from time to time ex gratia payments to exonerates.

In order to make my research complete I am seeking to be provide with details of the ex gratia payments made by your government.

It would be very helpful if you will provide the list of payments made and in so doing detail : the date, the name of the recipient, the reason for payment and the amount of such payment and whether any of form of compensation was made.

I will fully acknowledge you as my source for this information.

Thank you in advance for your assistance.

[REDACTED]



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Our ref: CMTEDDFOI 2023-436

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act). Your request was partially transferred from the Justice and Community Safety Directorate (JACS) to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 15 December 2023.

Scope of Requested information

The portion of your requested scope of information was partially transferred to CMTEDD on 15 December 2023 is as follows:

- ***Deidentified details of the ex gratia payments made by the ACT since self-government in the ACT to 6 November 2023.***

By way of background, you agreed to a revised scope of requested information on 14 November 2023 by email and the request was transferred in full to JACS by CMTEDD. The revision was as follows:

- ***I request details of the ex gratia payments made by the ACT since self-government in the ACT to today [6 November 2023]. The information I am seeking is related to Article 14(6) of the International Covenant on Civil and Political Rights (ICCPR), such as compensation paid to those wrongfully convicted of crimes. Please provide the amounts paid to each person. I am not seeking the names of third parties. Anonymization of the third party name would suffice as I am seeking to identify the amount paid to each person. I do also seek details of any payments made following the passing of the Human Rights Act 2004 (ACT) (HR Act) by way of compensation for wrongful conviction pursuant to section 23 of the HR Act.***

However, it was later identified by JACS that CMTEDD may hold some material within scope.

Authority

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

Timeframes

In accordance with section 40 of the Act, we are required to provide you with a decision on access to the documents within the terms of your request within 30 working days of receipt of the transfer. Therefore, the due date for a decision on your application is

6 February 2024.

Decision on access

A search of CMTEDD records has failed to identify any documentation in relation to your request. The search was conducted using the information you provided, including background and contextual information from email correspondence.

I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

In addition, we note CMTEDD made further search enquiries with Community Services Directorate (CSD). Who also advised that they hold no records within your scope of requested information.

Additional Information

I note that there were no ex-gratia payments made, within the scope of the requested information relating to wrongful conviction, either for convictions in the ACT for adults or young people within the youth justice system.

Each Directorate in the ACT publishes annual reports, which include financial management reporting. These reports are publicly available and available, here:

https://www.cmtedd.act.gov.au/open_government/report/annual_reports

CMTEDD's most recent annual report with financial information for the 2022/23 Financial year is located here:

https://www.cmtedd.act.gov.au/data/assets/pdf_file/0018/2301246/CMTEDD-22-23-Annual-Report-Volume-2.1.pdf

Charges

Processing charges are not applicable under section 104(4) of the Act for this request because the total number pages to be released to you is below the charging threshold of 50 pages as no documents are being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

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
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the CMTEDD FOI team by telephone on (02) 62077754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

23 January 2024