

From: [Austin, Scott](#)
To: [Campbell, Russ](#)
Cc: [Morris, Ben](#); [Abeysekera, Simal](#)
Subject: FW: Act of Grace Payment for [Sch 1 1.3](#)
Date: Monday, 5 August 2024 2:55:27 PM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL: Sensitive

Hi Russ,

As mentioned, the Chief Minister signed the letter to the Integrity Commissioner last week.

Below are some questions for the Integrity Commission, grateful for views.

Sch 1 s 1.3, Sch 2 s 2.2(a)(xi), Sch 2.2(a)(xvi)

Following receipt of this information, we may also have follow-up questions.

Regards,

Scott

Scott Austin

Executive Group Manager, Finance and Budget Group | Chief Minister, Treasury and Economic Development

Directorate | **ACT Government** | Level 1, 220 London Circuit, Canberra

Email: scott.austin@act.gov.au | Mobile: [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

Sch 1 s 1.3

Sch 1 s 1.3

From: [Austin, Scott](#)
To: [Campbell, Russ](#)
Cc: [Morris, Ben](#); [Abeysekera, Simal](#)
Subject: FW: Act of Grace Payment - Sch 1 s 1.3
Date: Friday, 9 August 2024 12:54:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[ax Invoice - 47942 - 29 February 2024.pdf](#)
[- Bill of Costs.pdf](#)

OFFICIAL: Sensitive

FYI – might be worthwhile having a chat in relation to the second dot point

Cheers,

Scott

Scott Austin

Executive Group Manager, Finance and Budget Group | Chief Minister, Treasury and Economic Development
Directorate | **ACT Government** | Level 1, 220 London Circuit, Canberra
Email: scott.austin@act.gov.au | Mobile [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

Sch 1 s 1.3

Sch 1 1.3

Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 s 1.3, copy

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Sch 1 s 1.3



Sch 1 s 1.3, copy

From: [Campbell, Russ](#)
To: [Austin, Scott](#)
Subject: RE: ACTIC - Act of Grace Request - [Sch 1 s 1.3](#)
Date: Wednesday, 19 March 2025 4:35:53 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

OFFICIAL: Sensitive

Thanks and [Sch 1 1.3, Sch 2.2\(a\)\(xi\), Sch 2.2\(a\)\(iv\), Sch 2.2\(a\)\(ix\), Sch 2.2\(a\)\(xiv\)](#)
)

Russ Campbell
A/g Under Treasurer
Chief Minister, Treasury and Economic Development Directorate
Ph: [Sch 2.2\(a\)\(ii\)](#)
220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Austin, Scott <Scott.Austin@act.gov.au>
Sent: Wednesday, 19 March 2025 4:34 PM
To: Campbell, Russ <Russ.Campbell@act.gov.au>
Subject: FW: ACTIC - Act of Grace Request - [Sch 1 s 1.3](#)

OFFICIAL: Sensitive

Hi Russ,

The responses below suggest there are not likely to be further requests for reimbursement. I've sent Judy a message requesting a chat on whether that advice remains correct.

Regards,

Scott

Scott Austin
Deputy Under Treasurer (a/g)
Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance
Chief Minister, Treasury and Economic Development Directorate
ACT Government | Level 1, 220 London Circuit, Canberra
Email: scott.austin@act.gov.au | Mobile: [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

Sch 1 1.3

Sch 1 1.3

From: [Austin, Scott](#)
To: [Goggs, Stephen](#)
Cc: [Ashton, Elizabeth](#)
Subject: RE: [Sch 1 s 1.3](#) Costs payment [Sch 1 s 1.3](#)
Date: Monday, 7 April 2025 5:07:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Stephen,

I understand that the Treasurer has agreed to the act of grace request and written to the Integrity Commissioner.

Regards,

Scott

Scott Austin

Deputy Under Treasurer (a/g)

Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance

Chief Minister, Treasury and Economic Development Directorate

ACT Government | Level 1, 220 London Circuit, Canberra

Email: scott.austin@act.gov.au | Mobile [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

Sch 1 1.3

Sch 1 1.3

From: [Austin, Scott](#)
To: [Campbell, Russ](#); [Morris, Ben](#); [Abeysekera, Simal](#)
Subject: FW: Sch 1 s 1.3 - Costs payment Sch 1 s 1.3
Date: Monday, 7 April 2025 5:07:50 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

OFFICIAL

FYI

Regards,

Scott

Scott Austin

Deputy Under Treasurer (a/g)

Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance

Chief Minister, Treasury and Economic Development Directorate

ACT Government | Level 1, 220 London Circuit, Canberra

Email: scott.austin@act.gov.au | Mobile: [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

Sch 1 s 1.3

Sch 1 1.3

Sch 1 1.3

From: "Austin, Scott" <Scott.Austin@act.gov.au>
Sent: 05/08/2024 2:55 PM
To: "Campbell, Russ" <Russ.Campbell@act.gov.au>
Cc: "Morris, Ben" <Ben.Morris@act.gov.au>; "Abeysekera, Srimal" <Srimal.Abeysekera@act.gov.au>
Subject: FW: Act of Grace Payment for Sch 1 1.3
Categories: One Note

OFFICIAL: Sensitive

Hi Russ,

As mentioned, the Chief Minister signed the letter to the Integrity Commissioner last week. Below are some questions for the Integrity Commission, grateful for views.

Sch 1 1.3, Sch 2.2(a)(ix), Sch 2.2(a)(xii)

Following receipt of this information, we may also have follow-up questions.

Regards,

Scott

Scott Austin

Executive Group Manager, Finance and Budget Group | Chief Minister, Treasury and Economic Development Directorate | **ACT Government** | Level 1, 220 London Circuit, Canberra
Email: scott.austin@act.gov.au | Mobile: Sch 2.2(a)(ii) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

Sch 1 1.3

From: "Austin, Scott" <Scott.Austin@act.gov.au>
Sent: 09/08/2024 12:54 PM
To: "Campbell, Russ" <Russ.Campbell@act.gov.au>
Cc: "Morris, Ben" <Ben.Morris@act.gov.au>; "Abeysekera, Srimal" <Srimal.Abeysekera@act.gov.au>
Subject: FW: Act of Grace Payment - Sch 1 1.3
Attachments: Sch 2.2(a)(xi) Tax Invoice - 47942 - 29 February 2024.pdf, Sch 2.2(a)(xi) - Bill of Costs.pdf
Categories: One Note

OFFICIAL: Sensitive

FYI – might be worthwhile having a chat in relation to the second dot point

Cheers,

Scott

Scott Austin

Executive Group Manager, Finance and Budget Group | Chief Minister, Treasury and Economic Development Directorate | **ACT Government** | Level 1, 220 London Circuit, Canberra

Email: scott.austin@act.gov.au | Mobile Sch 2.2(a)(ii) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

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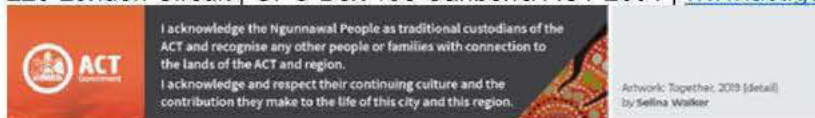
Sch 1 1.3

From: "Campbell, Russ" <Russ.Campbell@act.gov.au>
Sent: 19/03/2025 5:15 PM
To: "Eveille, JamesB" <JamesB.Eveille@act.gov.au>
Cc: "Ross, Carolina" <Carolina.Ross@act.gov.au>; "Austin, Scott" <Scott.Austin@act.gov.au>
Subject: FW: ACTIC - Act of Grace Request - Sch 1 s 1.3

OFFICIAL

Hi James, Scott followed up with the Commission, off the back of earlier correspondence further below. While they would not put a figure to it, you can see from the below and the further chat today, that Sch 1 s 1.3, Sch 2.2(a)(ix)

Russ Campbell
A/g Under Treasurer
Chief Minister, Treasury and Economic Development Directorate
Ph: Sch 2 s 2.2(a)(ii)
220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



Sch 1 s 1.3

Sch 1 s 1.3

Sch 1 1.3

Sch 1 1.3

From: "Austin, Scott" <Scott.Austin@act.gov.au>
Sent: 07/04/2025 5:07 PM
To: "Campbell, Russ" <Russ.Campbell@act.gov.au>; "Morris, Ben" <Ben.Morris@act.gov.au>;
"Abeysekera, Srimal" <Srimal.Abeysekera@act.gov.au>
Subject: FW: Sch 1 1.3 - Costs payment - Sch 1 1.3

OFFICIAL

FYI

Regards,

Scott

Scott Austin

Deputy Under Treasurer (a/g)

Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance

Chief Minister, Treasury and Economic Development Directorate

ACT Government | Level 1, 220 London Circuit, Canberra

Email: scott.austin@act.gov.au | Mobile: Sch 2.2(a)(ii) | GPO Box 158 Canberra ACT 2601

Sch 1 1.3

Sch 1 1.3

Sch 1 1.3

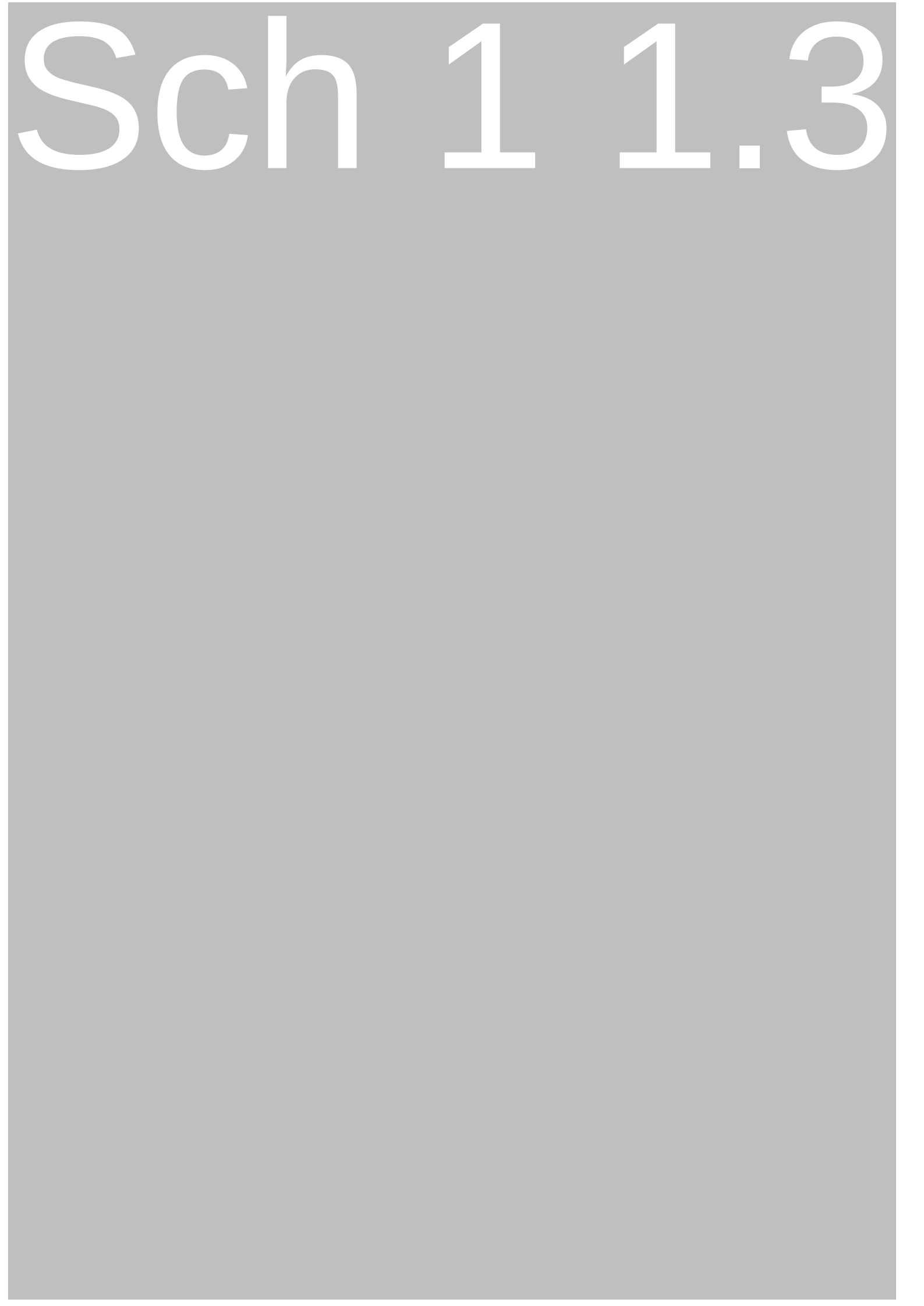
Sch 1 1.3

Sch 1 1.3

Sch 1 1.3

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Sch 1 1.3



Sch 1 1.3

Sch 1 1.3

From: [Cameron, Susan](#)
To: [Campbell, Russ](#)
Subject: RE: act of grace request (AOG)
Date: Friday, 24 May 2024 12:28:50 PM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL

Sorry, just realised were still in this week.
 Should have read, next week or the week after.
 I'll try for Monday 3 June or at a pinch next week if that's the only time Lisa has.
 Kind regards
 Susan

From: Campbell, Russ
Sent: Friday, May 24, 2024 12:26 PM
To: Cameron, Susan
Subject: RE: act of grace request (AOG)

OFFICIAL

Is there an urgency for this week do you reckon?

Russ Campbell

Deputy Under Treasurer

Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance

Chief Minister, Treasury and Economic Development Directorate

Ph: [Sch 2.2\(a\)\(ii\)](#)

220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Cameron, Susan <Susan.Cameron@act.gov.au>
Sent: Friday, May 24, 2024 12:23 PM
To: Campbell, Russ <Russ.Campbell@act.gov.au>
Subject: RE: act of grace request (AOG)

OFFICIAL

No worries. This week or next?

Susan

From: Campbell, Russ <Russ.Campbell@act.gov.au>
Sent: Friday, May 24, 2024 12:23 PM
To: Cameron, Susan <Susan.Cameron@act.gov.au>
Subject: Re: act of grace request (AOG)

OFFICIAL

Yeah meeting w Lisa pls including Scott
 Get [Outlook for iOS](#)

From: Cameron, Susan <Susan.Cameron@act.gov.au>
Sent: Friday, May 24, 2024 12:20:46 PM
To: Campbell, Russ <Russ.Campbell@act.gov.au>
Cc: Cameron, Susan <Susan.Cameron@act.gov.au>

Subject: FW: act of grace request (AOG)

OFFICIAL

Russ,

As per below, Srimal requested an extension to 24/1480 which was granted but with some conditions. See below.

Srimal just called as a follow up re the conditions. He said you advised Ben and himself last week you were going to set up a mtg with Lisa Carmody.

Is this correct? If yes, I'll arrange something for next week (unless you think it should be earlier).

Srimal doesn't think FABG (Scott) should contact the Integrity Commissioner until after the meeting, should that occur.

Advice please?

Kind regards

Susan

From: Treasury DLO <TreasuryDLO@act.gov.au>

Sent: Thursday, May 23, 2024 12:10 PM

To: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>; CMTEDD MLO <CMTEDD.MLO@act.gov.au>

Cc: Cameron, Susan <Susan.Cameron@act.gov.au>

Subject: FW: act of grace request (AOG)

OFFICIAL

Hi Srimal

This extension is approved on the basis that Tsy reach out to the Integrity Commission to manage timing expectations. In understand that Scott, or maybe Russ has previously spoken to them about this request.

MLO Team, can you please extend 24/1480 to 20 June

Many thanks

Kylie

From: Atkins, Brittany <Brittany.Atkins@act.gov.au>

Sent: Thursday, May 23, 2024 11:51 AM

To: Treasury DLO <TreasuryDLO@act.gov.au>

Subject: RE: act of grace request (AOG)

OFFICIAL

On the basis that Treasury reach out to the ACTIC to manage timing expectations

From: Treasury DLO <TreasuryDLO@act.gov.au>

Sent: Thursday, May 23, 2024 11:49 AM

To: Atkins, Brittany <Brittany.Atkins@act.gov.au>

Subject: FW: act of grace request (AOG)

OFFICIAL

Hi Britt

Can you please approve an extension for this AOG request until 20 June – it is for **Sch 1 1.3** legal costs re Integrity Commission

Thanks

Kylie

From: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>

Sent: Thursday, May 23, 2024 9:39 AM

To: Treasury DLO <TreasuryDLO@act.gov.au>
Cc: Jaafarino, Somi <Somi.Jaafarino@act.gov.au>; Cameron, Susan <Susan.Cameron@act.gov.au>; Morris, Ben <Ben.Morris@act.gov.au>
Subject: RE: act of grace request (AOG)

OFFICIAL

Good Morning Kylie,
 This AOG matter is still under consideration at senior levels. Would you be able to extend the due date on this item till 20th June please?
 Best regards
 Srimal

From: Treasury DLO <TreasuryDLO@act.gov.au>
Sent: Tuesday, April 30, 2024 10:29 AM
To: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Subject: RE: act of grace request

OFFICIAL

Thanks – I think Britt will talk to Scott about it after ERC today
 Thanks
 Kylie

From: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Sent: Tuesday, April 30, 2024 10:08 AM
To: Treasury DLO <TreasuryDLO@act.gov.au>
Subject: RE: act of grace request

OFFICIAL

Hi Kylie,
 Yes I am. We have done some investigations and at the moment there's some discussion at senior levels on how to progress this matter. The timing will depend on the path we decide to take. For now, please keep 20-May on. I will get back to you with the next couple of days if the situation changes.
 Best regards
 Srimal

From: Treasury DLO <TreasuryDLO@act.gov.au>
Sent: Tuesday, April 30, 2024 9:58 AM
To: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Subject: act of grace request

OFFICIAL

Hi Srimal
 Are you handling the request from the Integrity Commission re covering **Sch 1 s 1.3** legal costs (24/1480) ? If so, can you please let me know if it is on track to be complete by 20 May?
 Thanks
 Kylie
 Kylie Beer
 Treasury Liaison Officer | Office of the Treasurer, Minister Steel and Minister Berry
Treasury | ACT Government
www.act.gov.au

☐ I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make

From: [Cameron, Susan](#)
To: [Campbell, Russ](#)
Subject: RE: act of grace request (AOG)
Date: Wednesday, 29 May 2024 2:40:59 PM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL

Russ,
A meeting invite has been sent for 4pm next Tuesday.
Attendees: you, Lisa and Scott.
Susan

From: Campbell, Russ
Sent: Wednesday, May 29, 2024 12:22 PM
To: Cameron, Susan
Subject: RE: act of grace request (AOG)

OFFICIAL

Did we have any success with this
Russ Campbell
Deputy Under Treasurer
Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance
Chief Minister, Treasury and Economic Development Directorate
Ph: [Sch 2.2\(a\)\(ii\)](#)
220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



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Unknown User added Morris, Ben and 2 others to the chat.

Carmody, Lisa 05/06/2024 12:13 pm

LC

All - I had a discussion with HoS and she has concerns about rushing into a decision in relation to the request from Sch 1 s 1.3 and would like more consideration of a framework for witnesses noting the distinction between the legal support the ACT provides for current and former employees is largely based on the employment relationship

no doubt we will need to discuss further but wanted to share a quick update coming out of my meeting this morning. L

Campbell, Russ 05/06/2024 12:24 pm

Sch 2.2(a)(ii)

we might need to have a joint chat with the office as we (tsy) are a bit stuck in the middle here between them wanting urgent attention, and taking longer for a framework to be developed and the timing on that which might get asked

Carmody, Lisa 05/06/2024 1:00 pm

LC

agree any chance that could be tomorrow or friday?

Sch 2.2(a)(ii)

Campbell, Russ 05/06/2024 1:01 pm

i'll ask susan to find us some time along those line

From: [Morris, Ben](#)
To: [Austin, Scott](#); [Campbell, Russ](#)
Subject: FW: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter
Date: Tuesday, 25 June 2024 12:00:14 PM
Attachments: [image001.png](#)
[CM24 76388 Info Brief - Barr - ACT OF GRACE PAYMENT OF NON-GOVERNMENT WITNESS EXPENSES\(2\) \(002\) \(5\).DOCX](#)
[CM24 76470 Attachment B - Letter Barr\(2\).docx](#)

OFFICIAL: Sensitive

FYI, there's now a meeting tomorrow afternoon – like to play?

From: Janeczko, Luke
Sent: Monday, June 24, 2024 6:29 PM
To: Leece, Kristin ; Ng, Daniel ; Abeysekera, Srimal ; Morris, Ben
Cc: Carmody, Lisa ; Noud, Russell ; Szandurski, Kim ; Potter, Chantel ; Prowse, Fay ; Irvine, Lisa ; Perkovic, Sophia ; Usnik, Andrea
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter

OFFICIAL: Sensitive

Dear colleagues,

Thank you for your comments and review of the below brief.

I have attempted to incorporate all feedback into the **attached** draft brief and correspondence. As raised by Kristin this afternoon, it would be a good idea if we could find a suitable time to for a meeting tomorrow afternoon to discuss and finalise the brief. If a mutually agreeable time cannot be found for everyone, please feel free to provide comments back via email. I'll touch base tomorrow morning to organise a time to catch-up

Please feel free to reach out in the meantime.

Kind regards,

Luke

From: Janeczko, Luke
Sent: Friday, June 21, 2024 4:39 PM
To: Leece, Kristin <Kristin.Leece@act.gov.au>; Ng, Daniel <Daniel.Ng@act.gov.au>; Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>; Morris, Ben <Ben.Morris@act.gov.au>
Cc: Carmody, Lisa <Lisa.Carmody@act.gov.au>; Noud, Russell <Russell.Noud@act.gov.au>; Szandurski, Kim <Kim.Szandurski@act.gov.au>; Potter, Chantel <Chantel.Potter@act.gov.au>; Prowse, Fay <Fay.Prowse@act.gov.au>; Irvine, Lisa <Lisa.Irvine@act.gov.au>; Perkovic, Sophia <Sophia.Perkovic@act.gov.au>; Usnik, Andrea <Andrea.Usnik@act.gov.au>
Subject: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter

Importance: High

Dear colleagues,

I am emailing to circulate a draft brief for the Treasurer that the Office of Industrial Relations and Workforce Strategy (OIRWS) has prepared, based on material provided by the Treasury, regarding a request from the Integrity Commissioner to the Treasurer to authorise an act of grace payment to a witness involved in an Integrity Commissioner investigation to assist with their legal expenses.

I understand that each you have been involved, in some capacity, in conversations about this matter. Given the cross-cutting nature of this matter across JACS, GSO, Treasury, and OIRWS, I am circulating the draft brief for your comment and review. I have amended TRIM access to enable your individual access to the file. However, if you wish to seek input from other colleagues, I will need to manually update the security for the folder to facilitate. If this is the case, please let me know so that I can

facilitate access.

My sincere apologies for the tight turnaround time, but I would be most appreciative if you could review and comment by no later than COB Monday 24 June.

Please feel free to contact me for anything in the meantime.

Kind regards,

Luke

Luke Janeczko

Director – Legal Policy – Whole of Government Public Sector Employment

Office of Industrial Relations and Workforce Strategy | T: (02) 6205 5312 | E: Luke.Janeczko@act.gov.au

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 5, 220 London Circuit, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.

Acknowledgement of Country



We acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: [Morris, Ben](#)
To: [Campbell, Russ](#); [Austin, Scott](#); [Abeysekera, Srima](#)
Subject: FW: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter
Date: Wednesday, 26 June 2024 1:15:33 PM
Attachments: [image001.png](#)
[Info Brief - Barr - ACT OF GRACE PAYMENT OF NON-GOVERNMENT WITNESS EXPENSES\(2\) \(002\)\(5\).DOCX](#)
[CM24 76470 Attachment B - Letter Barr\(2\).docx](#)

OFFICIAL: Sensitive

My comments on the revised letter and brief attached (mainly reflecting our previous comments that were not taken up)

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From: [Janeczko, Luke](#)
To: [Leece, Kristin](#); [Ng, Daniel](#); [Campbell, Russ](#)
Cc: [Carmody, Lisa](#); [Noud, Russell](#); [Szandurski, Kim](#); [Potter, Chantel](#); [Prowse, Fay](#); [Irvine, Lisa](#); [Usnik, Andrea](#); [Austin, Scott](#); [Morris, Ben](#); [Abeysekera, Srima](#)
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter
Date: Thursday, 27 June 2024 1:47:53 PM
Attachments: [Attach C - Act-of-Grace-Policy-and-Procedures-Guide.docx](#)
[Attachment A Commissioner Adams letter to Andrew Barr re Sch 1 s 1.3 Costs.PDF](#)
[Attachment B - Letter Barr.docx](#)
[Info Brief - Barr - ACT OF GRACE PAYMENT OF NON-GOVERNMENT WITNESS EXPENSES\(2\) \(002\).DOCX](#)
[image001.png](#)
Importance: High

OFFICIAL: Sensitive

Dear colleagues,

Thank you for your time yesterday afternoon to discuss the Integrity Commissioner's request for an act of grace payment.

Sch 1 1.3, Sch 2 s 2.2(a)(xi), Sch 2 s 2.2(a)(xvi)

Actions arising from yesterday's meeting:

- Daniel Ng to share relevant information relating to his previous briefings on the board of enquiry and any other information developed about how a legal reimbursement scheme could be stood up as soon as practicable.
- Officials from JACS, Treasury and ACTGS will review as a matter of urgency and provide their response to OIRWS by **COB Today**.

As Lisa noted in our meeting yesterday, we can all appreciate that this is a complex piece of work and the pathway to developing a successful scheme will be ensuring that we work together a cohesive and collaborative group as we move forward. This work will involve legal aspects, legal policy and financial implications, and each of the officials in this group hold particular expertise that will be required to contribute to this significant project.

I look forward to hearing from you.

Kind regards,

Luke

Luke Janeczko

Director – Legal Policy – Whole of Government Public Sector Employment

Office of Industrial Relations and Workforce Strategy | T: (02) 6205 5312 | E: Luke.Janeczko@act.gov.au

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 5, 220 London Circuit, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

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Acknowledgement of Country



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From: Janeczko, Luke

Sent: Wednesday, June 26, 2024 2:42 PM

To: Leece, Kristin ; Ng, Daniel ; Abeysekera, Srimal ; Morris, Ben

Cc: Carmody, Lisa ; Noud, Russell ; Szandurski, Kim ; Potter, Chantel ; Prowse, Fay ; Irvine, Lisa ; Usnik, Andrea ; Austin, Scott ; Campbell, Russ

Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter

Dear colleagues,

Further to my email below, please see attached a revised brief and correspondence based on additional feedback received ahead of our meeting this afternoon at 4:00pm.

Please feel free to contact me ahead of the meeting if you have any queries.

Kind regards,

Luke

copy

copy

From: [Austin, Scott](#)
To: [Campbell, Russ](#)
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter
Date: Thursday, 27 June 2024 2:16:41 PM
Attachments: [Attachment B - Letter Barr \(003\).docx](#)
[Info Brief - Barr - ACT OF GRACE PAYMENT OF NON-GOVERNMENT WITNESS EXPENSES\(2\) \(002\).docx](#)
[image001.png](#)

OFFICIAL: Sensitive

Hi Russ,
A couple of minor typos in the attached.
Cheers,
Scott

Scott Austin

Executive Group Manager, Finance and Budget Group | Chief Minister, Treasury and Economic Development
Directorate | **ACT Government** | Level 1, 220 London Circuit, Canberra
Email: scott.austin@act.gov.au | Mobile: [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

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Sch 1 1.2

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From: [Janeczko, Luke](#)
To: [Campbell, Russ](#)
Cc: [CMTEDD.DDGOIRWS](#)
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter
Date: Tuesday, 9 July 2024 5:33:55 PM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL: Sensitive

Hi Russ,
 I'm just following this up with Lisa's office to see where it is up to. I actioned some edits from Lisa yesterday but not sure if the final was cleared or not.
 Thanks
 Luke

From: Campbell, Russ
Sent: Tuesday, July 9, 2024 4:55 PM
To: Janeczko, Luke
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter

OFFICIAL: Sensitive

Hi Luke. I was messaging Lisa earlier and she said she thought the brief went up to the office yesterday. Is it possible get that copy as Stuart has asked me a couple of times about it. Thanks

Russ Campbell
Deputy Under Treasurer
Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance
Chief Minister, Treasury and Economic Development Directorate
 Ph: [Sch 2.2\(a\)\(ii\)](#)
 220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Janeczko, Luke <Luke.Janeczko@act.gov.au>
Sent: Monday, July 1, 2024 3:15 PM
To: Campbell, Russ <Russ.Campbell@act.gov.au>
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter

OFFICIAL: Sensitive

Hi Russ,
 Lisa C is looking at the brief this afternoon, once cleared I'll let Treasury know and move up through TRIM.
 Thanks
 Luke

From: Campbell, Russ <Russ.Campbell@act.gov.au>
Sent: Monday, July 1, 2024 9:26 AM
To: Janeczko, Luke <Luke.Janeczko@act.gov.au>
Subject: RE: For Review and Comment: Legal Assistance and Act of Grace Payment in Integrity Commission Matter

OFFICIAL: Sensitive

Hi Luke, [Sch 2.2\(a\)\(ii\)](#) Are you able to send me the brief or provide the trim container number for the integrity commission brief that went up to the office? Thanks.
Russ Campbell

Deputy Under Treasurer

Budget, Procurement ACT, Investments & Borrowing, and Shared Services Finance

Chief Minister, Treasury and Economic Development Directorate

Ph: **Sch 2.2(a)(ii)**

220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



copy

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From: [Carmody, Lisa](#)
To: [Campbell, Russ](#)
Cc: [CMTEDD, DDGOIRWS](#)
Subject: FW: Ready for DDG Clearance : See DDG Queries CMTEDD2024/2865 : Ministerial Brief - Act of Grace Payment for Non-Government Witness legal expenses at the Integrity Commission
Date: Wednesday, 10 July 2024 6:31:01 AM
Attachments: [CM24 76388 Ministerial Brief - Act of Grace Payment for Non-Government Witness legal expenses at the Integrity Commission.DOCX](#)
[Attachment B - Letter Barr.docx](#)

OFFICIAL: Sensitive

Russ

The brief regarding the act of grace request from the Integrity Commissioner is attached below with the draft letter for the Chief Minister to respond to the Integrity Commissioner. You will see both contain tracked changes.

I am comfortable with it but would be grateful if you could review once more and confirm you are too and please adjust as you consider appropriate.

Unfortunately, it has taken longer than anticipated.

Happy to discuss. I will be [Sch 2.2\(a\)\(ii\)](#)

Thanks

Lisa

Lisa Carmody | Deputy Director-General, Office of Industrial Relations and Workforce Strategy

Mobile: [Sch 2.2\(a\)\(ii\)](#) | Email: Lisa.Carmody@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: [Cameron, Susan](#)
To: [Campbell, Russ](#)
Cc: [Austin, Scott](#); [Morris, Ben](#)
Subject: Fwd: Copy of brief
Date: Wednesday, 17 July 2024 9:16:37 AM
Attachments: [CM24 84922 Info brief - 24-2865 - TO SIGN.PDF](#)

OFFICIAL

Russ,
 As requested, details for [Sch 1 s 1.3](#) brief below.
 Kind regards
 Susan

From: Usnik, Andrea
Sent: Tuesday, July 16, 2024 9:59:50 am
To: Cameron, Susan
Cc: Janeczko, Luke ; Perkovic, Sophia
Subject: RE: Copy of brief

OFFICIAL

Dear Susan,
 Thank you for your email below. The brief and attachments are contained in the TRIM Folder CMTEDD2024/2865.
 Please let me know if you have any trouble accessing this folder. I have also provided a copy of the brief above.
 Kind Regards
 Andrea

Andrea Usnik

Assistant Director, Legal Coordination
 Whole of Government Industrial Relations and Public Sector Employment
 Office of Industrial Relations and Workforce Strategy
Ph: (02) 6207 2027 | **Email:** andrea.usnik@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | ACT Government
 220 London Circuit Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Cameron, Susan <Susan.Cameron@act.gov.au>
Sent: Monday, July 15, 2024 5:04 PM
To: Perkovic, Sophia <Sophia.Perkovic@act.gov.au>
Cc: Cameron, Susan <Susan.Cameron@act.gov.au>
Subject: Copy of brief

OFFICIAL

Sophia,
 I understand Luke Janeczko is [Sch 2.2\(a\)\(i\)](#) hence this email to you as per his instructions.
 As Russ Campbell was a joint signatory with Lisa Carmody on the act of grace brief for [Sch 1 s 1.3](#),
 he would like to obtain a copy of the final brief which was submitted.
 Are you able to send him a copy or provide the relevant trim container number?
 Kind regards
 Susan

Susan Cameron | Executive Officer | Budget, Procurement, Investments and Finance - BPIF |
 CHIEF MINISTER, TREASURY & ECONOMIC DEVELOPMENT DIRECTORATE |

E: susan.cameron@act.gov.au | **P:** +61 2 6205 2236 |
220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au |

From: [Morris, Ben](#)
To: [Campbell, Russ](#)
Cc: [Austin, Scott](#); [Abeysekera, Srima](#)
Subject: RE: Copy of brief
Date: Wednesday, 17 July 2024 10:43:05 AM

OFFICIAL

FYI, we're ready to reach out to the Commission with some further questions about the AoG once the letter is sent

copy

copy

From: [Cameron, Susan](#)
To: [Campbell, Russ](#)
Subject: FW: Copy of brief
Date: Friday, 26 July 2024 11:10:27 AM
Attachments: [CM24 84922 Info brief - 24-2865 - TO SIGN.PDF](#)

OFFICIAL

copy

copy

From: [Cameron, Susan](#)
To: [Treasury DLO](#)
Cc: [Ford, Blake](#); [Treasury Coord](#); [Campbell, Russ](#); [Cameron, Susan](#)
Subject: RE: report of all upcoming briefs and corro
Date: Thursday, 22 August 2024 10:34:23 AM
Attachments: [image001.png](#)

OFFICIAL

outside scope

TRIM no.	Title	Due date	Division	Replying Minister	Notes
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outside scope

outside scope

CMTEDD2024/1480	Ministerial Correspondence - Barr - Sch 1 1.3 Sch 1 1.3 - Sch 1 s 1.3 costs	16/08/2024	Finance and Budget Group	Treasurer	Depending on the timing of GSO advice, it's possible this one will be ready prior to caretaker
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outside scope

outside scope

outside scope

From: [Cameron, Susan](#)
To: [Hocking, Stuart](#); [Campbell, Russ](#)
Cc: [Ford, Blake](#); [Treasury DLO](#); [Birkett, Joice](#); [Cameron, Susan](#)
Subject: report of all upcoming briefs and corro
Date: Thursday, 29 August 2024 10:50:05 AM

OFFICIAL

Stuart and Russ,
As requested, please find below an update to the BPIF briefs noting those that need to be action prior to caretaker.
Updates in red below.

TRIM no.	Title	Due date	Division	Replying Minister	Notes
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outside scope

outside scope

CMTEDD2024/1480	Ministerial Correspondence - Barr - Sch 1 1.3 Sch 1 1.3 - Sch 1 s 1.3 costs	16/08/2024	Finance and Budget Group	Treasurer	Act of Grace. Unlikely to be finalised before caretaker. Still waiting on GSO advice.
-----------------	--	------------	--------------------------------	-----------	---

outside scope

outside scope

outside scope

From: Abeysekera, Srimal
To: Austin, Scott; Campbell, Russ
Cc: Morris, Ben
Subject: FW: FOI Request - Information Brief titles - Request for act of grace payment
Date: Tuesday, 10 September 2024 10:03:37 AM
Attachments: image001.png
GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - ~ Government Witness legal expenses at the Integrity Commission.tr5
Importance: High

OFFICIAL: Sensitive

Hi Scott, Russ,

OIRWS has received a catch-all FOI request as noted below and are seeking our views on the release of the joint OIRSW/TsySch 1 s 1.3 brief (attached). Noting that only the subject matter is released and the Govt position is already in the public arena,) Ben and I have no concerns. For your views please.

With thanks

Srimal

From: Janeczko, Luke <Luke.Janeczko@act.gov.au>
Sent: Tuesday, September 10, 2024 8:31 AM
To: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Cc: Angus, Sarah <Sarah.Angus@act.gov.au>; Trevillian, Lisa <Lisa.Trevillian@act.gov.au>; Taylor, Nina <Nina.Taylor@act.gov.au>; Morris, Ben <Ben.Morris@act.gov.au>
Subject: FOI Request - Information Brief titles - Request for act of grace payment
Importance: High

OFFICIAL: Sensitive

Hi Srimal

I wanted to let you know that OIRWS has received an FOI request for, “**The subject line of all final ministerial briefs from 29 March 2024 to 29 July 2024 generated for or directed to any ACT Government Minister. This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to. This request includes briefs prepared for Question Time, Estimates and Annual Reports.**”

As part of this FOI, the information brief concerning the request for an act of grace payment falls under this FOI request.

Brief Name	Minister	Written By
Act of Grace Payment for Non-Government Witness legal expenses incurred in relation to Integrity Commission proceedings	Chief Minister	Deputy Director-General - Office of Industrial Relations and Workforce Strategy; Deputy Under Treasurer - Budget, Procurement, Investment and Finance

From my perspective, I think there is nothing to suggest the information should not be released. However, I wanted to reach out to inform Treasury of the request, and the likely disclosure. However, if you Treasury has any concerns please let me know.

Unfortunately the request is due back to the FOI team COB today – appreciative if you could let me know of any concerns asap. Apologies for the tight turnaround time!

Happy to chat if you have any questions.

Thanks
Luke

Luke Janeczko
Director – Legal Policy – Whole of Government Public Sector Employment
Office of Industrial Relations and Workforce Strategy | T: (02) 6205 5312 | E: Luke.Janeczko@act.gov.au
Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government
Level 5, 220 London Circuit, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au
Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.



Acknowledgement of Country

We acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: [Austin, Scott](#)
To: [Morris, Ben](#); [Abeysekera, Simal](#)
Cc: [Campbell, Russ](#)
Subject: FW: ACTIC - Act of Grace Request - [Sch 1 s 1.3](#)
Date: Tuesday, 17 September 2024 3:44:20 PM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL: Sensitive

FYI

Cheers,

Scott

Scott Austin

Executive Group Manager, Finance and Budget Group | Chief Minister, Treasury and Economic Development

Directorate | **ACT Government** | Level 1, 220 London Circuit, Canberra

Email: scott.austin@act.gov.au | Mobile: [Sch 2.2\(a\)\(ii\)](#) | GPO Box 158 Canberra ACT 2601

copy

copy

From: [Young, Michael](#)
To: [Campbell, Russ](#)
Cc: [Austin, Scott](#)
Subject: RE: HPRM Notification - Action Made Current. Clearance through UT - CMTEDD2024/1480 - Ministerial Correspondence - Barr - [Sch 1 s 1.3](#) - Act of Grace Application
Date: Friday, 31 January 2025 11:10:02 AM
Attachments: [image001.png](#)

OFFICIAL

Hello Russ

Thank you for organising the meeting just now and providing the opportunity to consider this matter.

I would support the proposal to reimburse the reasonable legal costs and the basis on which it is made.

I defer to GSO on the question of whether the claimed costs are reasonable and mechanisms available to review the amount if not considered reasonable.

Thanks

Michael

Michael Young | A/DDG
 02 6205 3095 | michael.young@act.gov.au
 Office of Industrial Relations & Workforce Strategy
 Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Campbell, Russ <Russ.Campbell@act.gov.au>
Sent: Wednesday, 29 January 2025 3:09 PM
To: Young, Michael <Michael.Young@act.gov.au>
Cc: Austin, Scott <Scott.Austin@act.gov.au>
Subject: FW: HPRM Notification - Action Made Current. Clearance through UT - CMTEDD2024/1480 - Ministerial Correspondence - Barr - [Sch 1 1.3](#) costs - Act of Grace Application

OFFICIAL

Michael, I'm happy to have a quick chat with you about this brief that will be going to the Chief, after running past Kathy. We had been working with OIRWS before the election and subsequently, on an approach to addressing an issue with [Sch 1 1.3](#) relating to legal fees. The team has been working with Luke Janeczko but I wanted to ensure visibility at your level before I push to Kathy for any reactions. Happy to chat as mentioned if you need additional background.

Russ Campbell

A/g Under Treasurer

Chief Minister, Treasury and Economic Development Directorate

Ph: **Sch 2.2(a)(ii)**

220 London Circuit | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: CM Notifications (ACTPRD) <noreply@messaging.cm.kapish.cloud>

Sent: Tuesday, 28 January 2025 4:57 PM

To: Campbell, Russ <Russ.Campbell@act.gov.au>

Subject: HPRM Notification - Action Made Current. Clearance through UT - CMTEDD2024/1480 - Ministerial Correspondence - Barr - **Sch 1 1.3** costs - Act of Grace Application

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

CMTEDD2024/1480 - Ministerial Correspondence - Barr - **Sch 1 1.3**

Sch 1 1.3 costs - Act of Grace Application Action: Clearance through UT Responsible Location: Campbell, Russ Due Date: 12/26/2024 at 3:05 PM This Action is now ready to commence. Could you please ensure that it is completed by 12/26/2024 at 3:05 PM. Action Notes: -- This E-mail Message has been automatically generated by WhoGRM HP Records Manager.

From: [Morris, Ben](#)
To: [Campbell, Russ](#); [Austin, Scott](#)
Cc: [Abeysekera, Simal](#)
Subject: FW: CMTEDD2024/1480 : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Ministerial Brief & Corres - Barr - [Sch 1 1.3](#) costs - Act of Grace Application
Date: Monday, 7 April 2025 4:22:49 PM
Attachments: [GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Ministerial Brief & Corres - Barr - ~ Act of Grace Application.tr5](#)

OFFICIAL

FYI

From: Treasury DLO
Sent: Monday, 7 April 2025 4:18 PM
To: Abeysekera, Simal ; Morris, Ben
Cc: FABD Financial Reporting ; Cameron, Susan ; Jaafarino, Somi
Subject: CMTEDD2024/1480 : GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Ministerial Brief & Corres - Barr - [Sch 1 1.3](#) costs - Act of Grace Application

OFFICIAL

Good afternoon,

TSR has signed this brief, corro and s130 instrument. Signed docs in the attached TRIM container.

TO to send corro to the IC.

Kind regards,
Carolina

Carolina Ross | Directorate Liaison Officer | Treasury

Phone: Teams | Email TreasuryDLO@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.act.gov.au

-----< Content Manager Record Information >-----

Record Number: CMTEDD2024/1480

Title: GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Ministerial Brief & Corres - Barr - [Sch 1 1.3](#) costs - Act of Grace Application

OFFICIAL



MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To: Treasurer

Tracking No.: CMTEDD2024/1480

Date: 24/06/2024

From: Deputy Director-General - Office of Industrial Relations and Workforce Strategy

Deputy Under Treasurer – Budget, Procurement, Investment and Finance

Subject: ACT OF GRACE PAYMENT FOR NON-GOVERNMENT WITNESS LEGAL EXPENSES AT THE INTEGRITY COMMISSION

Critical Date: 30/06/2021

Critical Reason: To provide your response to the Integrity Commissioner

- DUT .../.../24
- DDG .../.../24

Recommendations

That you:

1. **Defer** decision on whether to authorise an Act of Grace payment under section 130 of the *Financial Management Act 1996* until further information is provided by the Integrity Commissioner;

Agreed / Not Agreed / Please Discuss

2. **Sign** and send the proposed correspondence to the Integrity Commissioner requesting additional information to inform your decision to authorise an act of grace payment (Attachment B);

Signed / Not Signed / Please Discuss

3. **Agree** that the Office of Industrial Relations and Workforce Strategy, with relevant officials from the Justice and Community Safety Directorate, will commence work to assess a basis for a possible future legal assistance scheme under the *Integrity Commission Act 2018* for consideration by a future Eleventh Legislative Assembly.

Agreed / Not Agreed / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

Background

Sch 2.2(a)(xi), Sch 2.2(a)(x), Sch 1 s 1.3, Sch 2.2(a)(iv), Sch 2.2(a)(xiv)

Sch 2.2(a)(xi), Sch 2.2(a)(iv), Sch 2.2(a)(xii), Sch 2.2(a)(xiv), Sch 1 1.3

13. Under section 130 of the FMA Act you, as Treasurer, can authorise an Act of Grace payment that would not otherwise be authorised by law or required to meet a legal liability where special circumstances exist. The legislation does not specify criteria for assessing requests for an Act of Grace payment, giving discretion to make assessments on a case-by-case basis.
14. The ACT Government has published guidelines to provide elements the decision-maker may consider in determining the existence of special circumstances. The Guidelines are available at [Attachment C](#). However, an Act of Grace payment is generally an avenue of last resort and is not used where there are other options available to provide redress.
15. It is open for you to approve an Act of Grace request in this circumstance. However, you may wish to await the following information from the Commission to inform your decision;

Sch 1 1.3, Sch 2.2(a)(xiv), Sch 2.2(a)(xvi)

Consideration of Policy Response for Legal Assistance

17. There has been significant recent media attention on legal assistance provided to those eligible under the Legal Services Directions in relation to matters under investigation by the Integrity Commission.
18. Further, in its annual reports since 2020/21, the Integrity Commission has put forwards its view that the Government make a regulation under section 171 of the IC Act to formalise a legal assistance scheme.

Sch 1 1.3

20. Should you agree, CMTEDD and JACS could commence initial policy work to scope options for a legal assistance reimbursement framework for non-Government

witnesses. This could cost and model possible frameworks with a view to bring forward policy options for consideration and approval via a future budget process. This would align with the Government's response to the review of the IC Act.

- a. This could include consideration of whether any future scheme could be retrospective, which may allow individuals previously summonsed to the Commission to seek reimbursement for legal expenses incurred prior to the regulation's enactment.
21. This work would consider different approaches to the payment of legal assistance expenses during anti-corruption inquiries in other Australian jurisdictions. A comparative table is provided for context at [Attachment D](#).
22. The Commonwealth, New South Wales, Victoria and Queensland allow any individual to apply for assistance with legal expenses.
- a. The Commonwealth, New South Wales and Queensland schemes are means tested and require an assessment of the applicant's financial position and demonstration of hardship.
 - b. The position in Victoria is unclear. An application may be made to the Secretary of the Department of Justice and Community Safety, but there are no public facing guidelines to outline who may be eligible for assistance.
23. Remaining states and territories only cover legal expenses to public officials where there is an employment nexus.

Financial Implications

24. On the basis that you agree with this brief's recommendations, there are no financial implications. Should you decide to approve the Act of Grace request, payment will be made from the Integrity Commission's existing allocated budget.

Consultation

Cross Directorate

25. Within CMTEDD, the Office of Industrial Relations and Treasury have consulted each other to prepare this brief.

Cross Government

26. JACS Legal Policy and Programs and JACS Government Solicitors Office were consulted to prepare this brief.

Work Health and Safety

27. Nil.

Benefits/Sensitivities

28. Matters before the Integrity Commission, and legal assistance for public servants involved in those matters, has been the topic of recent media articles.

Communications, media and engagement implications

29. There has been no media in relation to this request. If this matter results in press coverage, OIRWS will assist your office at that time.

Signatory Name:	Kim Szandurski, EBM - OIRWS TREASURY OFFICIAL	Phone:	(02) 6207 0810
Action Officer:	Luke Janeczko, Director - OIRWS TREASURY OFFICIAL	Phone:	(02) 6205 5312

Attachments

Attachment	Title
Attachment A	copy
Attachment B	Treasurer draft letter of reply to Sch 1 s 1.3
Attachment C	Jurisdictional Comparison

Sch 2.2(a)(xvi)

Sch 2.2(a)(xvi)

Sch 2.2(a)(xvi)

Sch 2.2(a)(xvi)

Sch 2.2(a)(xvi)

Sch 2.2(a)(xvi)

Sch 1 1.3, Sch 2.2(a)(xvi)

Sch 1 1.3, Sch 2.2(a)(xvi)

Sch 1 1.3, Sch 2.2(a)(xvi)

DOCUMENT CONTROL

Prepared for:	Chief Minister Treasury and Economic Development ACT Insurance Authority
Document Owner	Finance and Budget Group, Treasury
File Name	Act of Grace Payments: Policy and Procedures Guide
Status	Final
Version	2.0

Revision

This policy must be reviewed and updated every three years (or when relevant changes are made to the *Financial Management Act 1996* (FMA)).

1.0	Final of policy	September 2019	Responsible Officer
2.0	Peer review	June 2022	A/g Chief Finance Officer, CMTEDD

This is an Open Access Document

Authorisation

Kathy Leigh
Director-General
Chief Minister, Treasury and Economic
Development Directorate

Date

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ACT OF GRACE PAYMENTS

Definition

1. An act of grace payment is a payment of money to a person from the Territory that would not otherwise be authorised by law or required to meet a legal liability, but is authorised by the Treasurer because the Treasurer considers it is appropriate to do so because of special circumstances. It is ordinarily the case that the Territory has some moral obligation in respect of the special circumstances that warrants the authorisation of the payment. The Treasurer will make a decision after receiving advice in relation to the act of grace request and will be assisted by the procedures outlined in these guidelines.

Authority

2. The authority for act of grace payments is provided by section 130 of the *Financial Management Act 1996* (FMA). This Act provides statutory authority for an act of grace payment so that there is a lawful basis for the expenditure of public money where it is not otherwise authorised by law.

Discretion of Treasurer

3. The act of grace power is a unique discretion given to the Treasurer to authorise the making of payments to persons in special circumstances. The act of grace mechanism enables the authorisation of payments, but does not create an obligation to make these. There is no entitlement to an act of grace payment and the making of a request that sets out complete information does not guarantee a favourable outcome for the applicant.

Purpose of this Guide

4. The purpose of this guide is to set out the procedures relating to act of grace payments and thereby assist people, both in the community and in the ACT Government, in understanding why and how such payments are requested and sometimes made.

5. This guide is not intended as a guide for decision-makers in assessing the nature of special circumstances, nor the merits of any individual case. It does not limit the decision-making powers of the Treasurer nor of a decision-maker for an act of grace payment.

Request Process and Payment

6. The following procedures are addressed by these guidelines.

- Process for making a request.
- Act of grace considerations and decision-making.
- Payment and records for reporting.

Things to Consider Before Making a Request

7. Each request for an act of grace payment (as a form of discretionary financial assistance):
- is considered on its individual merits;
 - is decided at the discretion of the decision-maker; and
 - once decided, does not establish a precedent for other requests.

8. The act of grace mechanism is generally a remedy of last resort and is not used when there is another viable remedy available to provide redress in the circumstances giving rise to the request, such as administrative review or legal action.

9. If other avenues exist for a person to receive financial assistance from the ACT Government or elsewhere (such as existing legislation or schemes), it is recommended that those avenues be investigated before a request is made for an act of grace payment.

PROCESS FOR MAKING A REQUEST

Individuals and organisations seeking an act of grace

10. Individuals and organisations seeking an act of grace payment should write to the Treasurer to seek an act of grace payment. A fact sheet is available on the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) website explaining this process in more detail.

11. There is no prescribed format for the making of a request for an act of grace payment.

12. Those submitting a request are asked to do so by sending a letter, or an email, to the ACT Treasurer, and to include or attach all relevant evidence in support of the request. This would include information, where relevant, about:

- a) a clear explanation of the incident/situation and how it occurred;
- b) what actions on the Government's part contributed to the situation;
- c) what actions or factors, relating to yourself or to other relevant individuals or organisations have contributed to the situation in either a positive or negative way;
- d) why the situation warrants being considered a special circumstance;
- e) what other avenues have been explored (including legal and financial), and with what outcomes;
- f) why a payment would be appropriate, and the value of the payment being sought;
- g) Evidence, including:
 - i. how has the value of the payment being sought been estimated;
 - ii. documentary evidence of the circumstances, for example, correspondence, agreements and other documents establishing the circumstances and any loss (e.g. medical certificates and statements);
 - iii. details of court or Tribunal findings; and
 - iv. what reviews have been undertaken or may be underway;
- h) previous correspondence with Government;
- i) yourself (name, date of birth, place of residence) and how you can be readily contacted (via email, phone and post); and
- j) other information that is likely to be relevant.

ACT agencies as the receiver of a request

13. Any request for an act of grace payment received by an ACT Government agency from an applicant should be forwarded to the Under Treasurer via either the Director-General, or an executive, of the agency receiving it. It would be useful for the recipient agency to liaise with Treasury prior to doing this to see whether any other information could usefully be provided at the same time.

ACT agencies as the author of a request

14. An agency may bring an individual matter or set of circumstances to the attention of ACT Treasury to discuss the merit of a request for an act of grace payment. However, an agency should generally only make a specific request for such a payment on behalf of an individual or organisation with their approval, and should consult with Treasury before doing so to ensure to the extent possible that sufficient and appropriate information is provided to help Treasury with their assessment of the application.

15. The agency receiving (or making) the request for the payment may prepare a submission for Director-General approval, justifying why an act of grace payment may be appropriate or not. A request should address the matters outlined above (relevant information and evidence) and any other matters the agency considers relevant. It should refer to what (if any) correspondence or contact has been had with the individual or organisation to whom the request relates.

16. Any submission should be forwarded to the Chief Finance Officer (or equivalent) in the agency, prior to Director-General approval. Once approved by the Director-General, the Chief Finance Officer will send the request to the Finance and Budget Division of Treasury in CMTEDD for the purposes of preparing advice for consideration by the decision maker.

Treasury review upon receipt of the request

17. Upon receipt of the request, Treasury will send a letter acknowledging receipt along with this guide. This will give the opportunity for those submitting the request to provide any additional information in relation to the request or confirm the existing application is complete.

18. When an act of grace request is made directly to the Treasurer, or to a delegate in CMTEDD, Treasury will consider the request and may undertake research in relation to the claims.

19. Staff of the Finance and Budget Division of Treasury in CMTEDD may be in contact with relevant areas of ACT Government and with the requestor to seek information.

20. Treasury will then develop advice for the Treasurer, or delegate, to consider along with the information provided in the request.

Requests for comment from agencies

21. At any stage, an agency may be invited to provide formal advice to Treasury or to the Treasurer. If there are particular sensitivities in providing comment, please liaise with an Executive in the Finance and Budget Division to ascertain an appropriate way forward.

Act of grace considerations

22. The FMA provides a discretion to the Treasurer, or an authorised delegate, to approve an act of grace payment, but does not obligate doing so.

23. The decision-maker will assess the nature of special circumstances and the appropriateness of making a payment of a relevant amount, including whether the Territory has any moral obligation in relation to the particular matter. 'Special circumstances' and 'relevant amount' are not defined in the FMA and are for the Treasurer or delegate, as decision-maker, to assess and decide on.

24. Individual circumstances are relevant in considering whether the application of a Territory law or policy, or Government action or inaction, has produced a moral obligation and/or an inequitable result in a particular case.

25. In deciding whether special circumstances exist, the decision maker may consider whether any of the following give rise to circumstances that are uncommon, exceptional or extraordinary in some way:

- a) the direct role of ACT Government in causing an unintended and inequitable result to a person such that it considers it has a moral responsibility to address the circumstances of the individual;
 - b) ACT legislation or policy has had an unintended, anomalous, inequitable or otherwise unacceptable impact on the individual's or organisation's circumstances, and the impact on the individual's or organisation's circumstances is:
 - i. specific to the individual or organisation;
 - ii. outside the parameters of events for which the individual or organisation was responsible or had the capacity to adequately control; but
 - iii. not merely the intended effect of the legislation; and
 - c) the matter is not covered by legislation or specific policy, but the ACT intends to introduce such legislation or policy, and it is considered desirable in a particular case to apply the benefits of the relevant policy to the individual or organisation prior to the legislation or policy's commencement.
26. The decision-maker may consider any other matter that is relevant to the circumstances being considered.
27. Act of grace payments may not be approved, for example:
- a) when the proposed payments would have the effect of supplementing capped payments set by other specific legislation, in circumstances where that legislation expresses the clear intention that particular payment levels cannot be exceeded in any circumstances;
 - b) when the proposed payments would have the effect of establishing a payment scheme to apply to a group of individuals, without considering the merits of their requests on an individual basis;
 - c) when a request has arisen from private circumstances outside the sphere of ACT administration, there has been no involvement of an agent or ACT Government employee or entity and the matter is not related to the impact of any ACT legislation;
 - d) in respect of a matter that relates solely to the involvement of a Territory-owned Corporation that has a separate legal identity to the ACT Government;
 - e) to compensate a person or body for a debt owed to the ACT Government; or
 - f) to compensate a person for a loss arising from a judicial decision not involving the executive arm of the Government.
28. Act of grace requests are not likely to be approved in cases where a requestor's sole assertion is that it is unfair that the individual or organisation has been historically ineligible to receive a benefit for which a person or organisation in a similar contemporary situation would now be eligible. They are also not likely to be approved in cases where a person or organisation was historically eligible for a payment but is now ineligible due to a change in certain criteria.

The decision-making step

29. Treasury will provide advice to the decision-maker, which will be considered alongside the request and any other material that has been provided.
30. The Treasurer or delegate is not obliged to follow the advice of Treasury, as full discretion to decide on a request for an act of grace payment is vested in the Treasurer, or delegate.

31. As there is no timeframe specified for the making of a decision, the decision will be made as soon as possible in light of all of the circumstances. Gathering information relevant to the request may involve Treasury making enquiries, requesting further information, conducting independent research or investigating claims made in the request. This may include seeking further information from the requestor.

32. Treasury must continue to perform its ordinary functions throughout this process and at certain times of the year (for example, in the lead up to the budget and budget review milestones) delays in the processing of an act of grace request may be unavoidable. Requestors who consider that there is time criticality for a decision should set out those matters in the request.

33. An authorisation of an act of grace payment by the Treasurer or a delegate may be expressed as being subject to conditions that need to be complied with by the payee, as set out in section 130 of the FMA.

Notification of decision

34. The outcome of the decision will be conveyed by the decision-maker to the requestor in writing. If the request is successful, the decision maker will also write to the relevant agency to notify them of the payment and any conditions attaching to it. If a requestor is unhappy with the decision, it is open to them to request reconsideration of the decision if relevant new information or a serious factual error is identified. Requestors are also welcome to seek legal advice.

Payment

35. Where a request is successful, the relevant agency will arrange for payment of the authorised amount, subject to any conditions having first been met.

Payments under the act of grace mechanism must be made from money appropriated by the ACT Legislative Assembly; and these will be reported in line with legislative requirements.

- a) If a condition is contravened, the Treasurer or a delegate may, by written notice addressed to the last-known address of the payee, require the payee, within 30 days of receipt of the notice, to pay an amount equal to all or part of the relevant amount.
- b) If the payee does not pay the amount specified in the notice, the amount may be recovered by the Territory as a debt.

Records for reporting

36. Directorates and territory authorities will keep records of all payments for reporting in the notes to financial statements in accordance with the FMA, which will detail the amount and grounds for each payment made that financial year. The FMA prohibits the disclosure of details in relation to the payee, unless disclosure was agreed to by the payee as a condition of the Treasurer authorising the payment.

RELATED DOCUMENTS

Accessible from ACT Legislation Register (at www.legislation.act.gov.au)

Financial Management Act 1996 (FMA)

Legislation Act 2001

Act of Grace Payments Factsheet

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

From: "Carmody, Lisa" <Lisa.Carmody@act.gov.au>
Sent: 10/07/2024 6:30 AM
To: "Campbell, Russ" <Russ.Campbell@act.gov.au>
Cc: "CMTEDD, DDGOIRWS" <DDGOIRWS@act.gov.au>
Subject: FW: Ready for DDG Clearance : See DDG Queries CMTEDD2024/2865 : Ministerial Brief - Act of Grace Payment for Non-Government Witness legal expenses at the Integrity Commission
Attachments: CM24 76388 Ministerial Brief - Act of Grace Payment for Non-Government Witness legal expenses at the Integrity Commission.DOCX, Attachment B - Letter Barr.docx

OFFICIAL: Sensitive

Russ

The brief regarding the act of grace request from the Integrity Commissioner is attached below with the draft letter for the Chief Minister to respond to the Integrity Commissioner. You will see both contain tracked changes.

I am comfortable with it but would be grateful if you could review once more and confirm you are too and please adjust as you consider appropriate.

Unfortunately, it has taken longer than anticipated.

Happy to discuss. | Sch 2 s 2.2(a)(ii)

Thanks
Lisa

Lisa Carmody | Deputy Director-General, Office of Industrial Relations and Workforce Strategy
Mobile: Sch 2.2(a)(ii) | Email: Lisa.Carmody@act.gov.au _
Chief Minister, Treasury and Economic Development Directorate | ACT Government



OFFICIAL

MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To:	Chief Minister	Tracking No.: CMTEDD2024/28651480
Date:	24/06/202409/07/2024	
From:	Deputy Director-General - Office of Industrial Relations and Workforce Strategy Deputy Under Treasurer - Budget, Procurement, Investment and Finance	
Subject:	Act of Grace Payment for Non-Government Witness legal expenses incurred in relation to at the Integrity Commission proceedings	
Critical Date:	30/06/202124/07/2024	
Critical Reason:	To provide your response to the Integrity Commissioner	
•	DUT 24/06/2024	
•	DDG OIRWS 24/06/2024	

Recommendations

That you:

Sch 1 1.3

Agreed / Not Agreed / Please Discuss

2. **Sign** and send the proposed correspondence to the Integrity Commissioner (Attachment B);

Signed / Not Signed / Please Discuss

3. **Agree** that the Office of Industrial Relations and Workforce Strategy, with officials from the Justice and Community Safety Directorate, ACTGSO and in consultation with Treasury, commence work to assess a basis for a possible future legal assistance scheme under the *Integrity Commission Act 2018*.

Agreed / Not Agreed / Please Discuss

Sch 1 1.2, Sch 2.2(a)(xvi)

Sch 1 1.2, Sch 2.2(a)(xvi)

Sch 1 1.3, Sch 1 1.2



MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To:	Chief Minister	Tracking No.: CMTEDD2024/2865
Date:	09/07/2024	
From:	Deputy Director-General - Office of Industrial Relations and Workforce Strategy; Deputy Under Treasurer - Budget, Procurement, Investment and Finance	
CC	Head of Services; Under Treasurer	
Subject:	Act of Grace Payment for Non-Government Witness legal expenses incurred in relation to Integrity Commission proceedings	
Critical Date:	24/07/2024	
Critical Reason:	To provide your response to the Integrity Commissioner	
• DUT	10/7/24	
• DDG OIRWS	10/7/24	

Recommendations

That you:

Sch 1 1.3

Agreed / Not Agreed / Please Discuss

2. **Sign** and send the proposed correspondence to the Integrity Commissioner (Attachment B);

Signed / Not Signed / Please Discuss

3. **Agree** that the Office of Industrial Relations and Workforce Strategy, with officials from the Justice and Community Safety Directorate, ACTGSO and in consultation with Treasury, commence work to assess a basis for a possible future legal assistance scheme under the *Integrity Commission Act 2018*.

Agreed / Not Agreed / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

Background

Sch 1 1.3, Sch 2.2(a)(xi), Sch 2.2(a)(xiv), Sch 2.2(a)(iv)

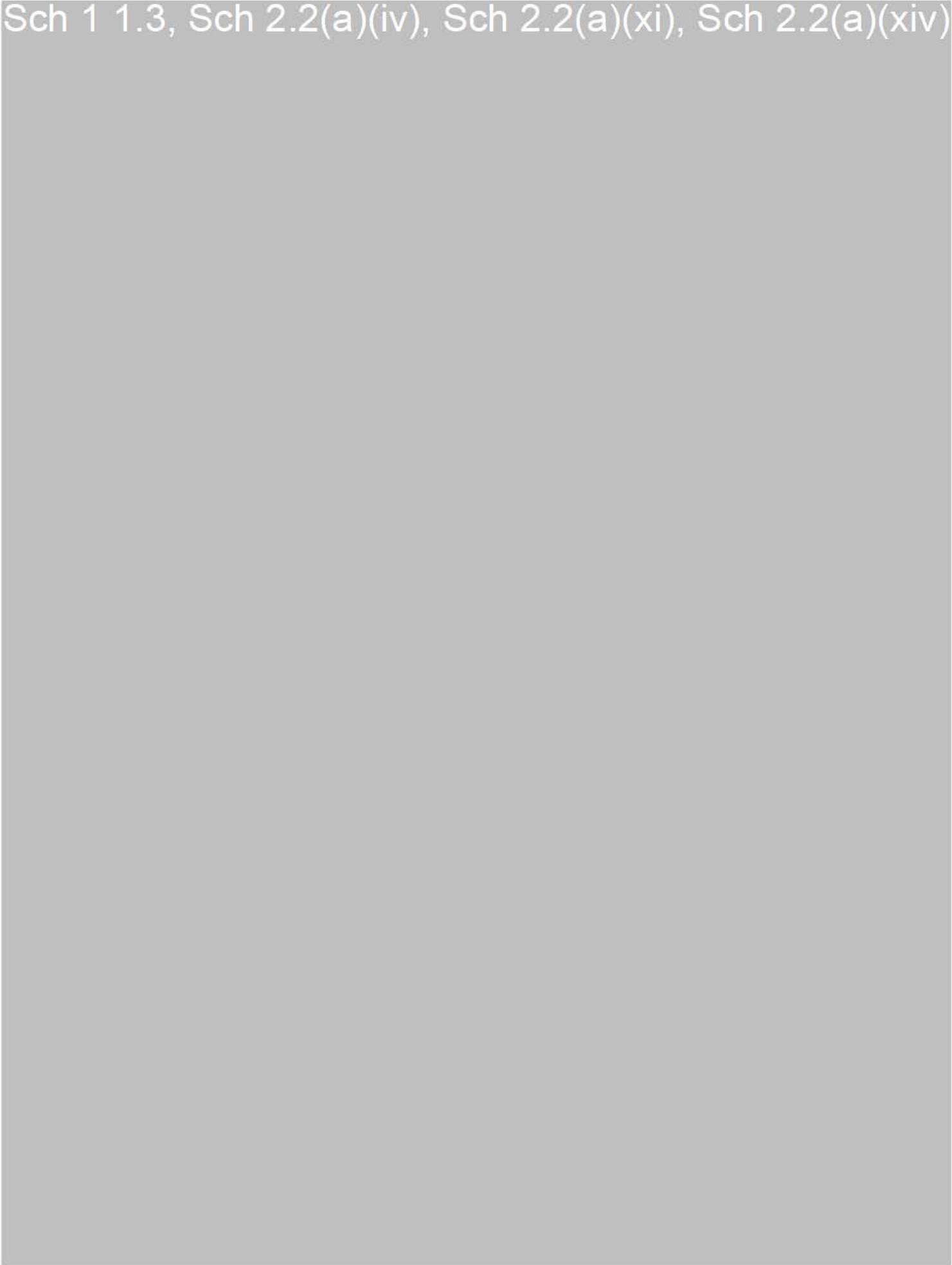
Issues

Sch 2.2(a)(xi), Sch 1 1.3, Sch 2.2(a)(x)

Sch 1 1.3, Sch 2.2(a)(iv), Sch 2.2(a)(xi), Sch 2.2(a)(xiv)



Sch 1 1.3, Sch 2.2(a)(iv), Sch 2.2(a)(xi), Sch 2.2(a)(xiv)



ConsultationCross Directorate

27. The Office of Industrial Relations and Workforce Strategy and Treasury have worked together to prepare this brief.

Cross Government

28. JACS Legal Policy and Programs and the ACT Government Solicitor's Office were consulted.

Work Health and Safety

29. Nil.

Benefits/Sensitivities

30. Matters before the Integrity Commission, and legal assistance for witnesses has been the topic of recent media articles.

Communications, media and engagement implications

31. There has been no media in relation to this request.

Signatory Name: Kim Szandurski, EBM - OIRWS Phone: (02) 6207 0810

Action Officer: Luke Janeczko, Director - OIRWS Phone: (02) 6205 5312

Attachments

Attachment	Title
Attachment A	Sch 1 1.3
Attachment B	Treasurer draft letter of reply to Sch 1 1.3
Attachment C	Act of Grace payment guidelines

From: "Treasury DLO" <TreasuryDLO@act.gov.au>
Sent: 08/04/2024 12:52 PM
To: "CMTEDD MLO" <CMTEDD.MLO@act.gov.au>
Cc: "Dragojlovic, Radovan" <Radovan.Dragojlovic@act.gov.au>; "Jaafarino, Somi" <Somi.Jaafarino@act.gov.au>; "Austin, Scott" <Scott.Austin@act.gov.au>
Subject: FW: CONFIDENTIAL: Correspondence on behalf of Sch 1 1.3
Attachments: Letter to Andrew Barr re Sch 1 1.3 .PDF
Importance: High
Categories: Kaye

OFFICIAL: Sensitive

Hi MLO Team

New Ministerial please to put in TRIM for allocation to: FAB

Action required: Brief and CM Response

Timing: 20 May 2024

Additional comments:

NOTE:

All briefing requiring a decision or assent by the Treasurer must be provided to the DLO no less than 5 business days before the critical date.

All correspondence is due to the CMO within 10 business days of this request. Where this timing cannot be met, advise the DLO ASAP and note that an interim email response must be drafted for the CMO to share with the correspondent within 5 business days of this request. This response should specify that the Directorate is considering this request, but it is more complex than would allow for a more timely reply to be provided. The interim response must specify an ETA for a final response on the part of the Minister, and approval for an extension beyond a 10-day turnaround should be sought from the relevant Deputy Under Treasurer.

For all correspondence, please include an email address for the recipient.

If this has been allocated incorrectly, or you require input from another directorate, please advise ASAP.

Regards
Kylie

From: Atkins, Brittany <Brittany.Atkins@act.gov.au>
Sent: Monday, April 8, 2024 11:59 AM
To: Treasury DLO <TreasuryDLO@act.gov.au>
Subject: FW: CONFIDENTIAL: Correspondence on behalf of Sch 1 1.3
Importance: High

Hi Kylie

For Treasury brief and response please.

Happy to discuss

Britt

copy

From: "Treasury DLO" <TreasuryDLO@act.gov.au>
Sent: 23/05/2024 12:10 PM
To: "Abeysekera, Srimal" <Srimal.Abeysekera@act.gov.au>; "CMTEDD MLO" <CMTEDD.MLO@act.gov.au>
Cc: "Cameron, Susan" <Susan.Cameron@act.gov.au>
Subject: FW: act of grace request (AOG)

OFFICIAL

Hi Srimal

This extension is approved on the basis that Tsy reach out to the Integrity Commission to manage timing expectations. In understand that Scott, or maybe Russ has previously spoken to them about this request.

MLO Team, can you please extend 24/1480 to 20 June

Many thanks
Kylie

From: Atkins, Brittany <Brittany.Atkins@act.gov.au>
Sent: Thursday, May 23, 2024 11:51 AM
To: Treasury DLO <TreasuryDLO@act.gov.au>
Subject: RE: act of grace request (AOG)

OFFICIAL

On the basis that Treasury reach out to the ACTIC to manage timing expectations

From: Treasury DLO <TreasuryDLO@act.gov.au>
Sent: Thursday, May 23, 2024 11:49 AM
To: Atkins, Brittany <Brittany.Atkins@act.gov.au>
Subject: FW: act of grace request (AOG)

OFFICIAL

Hi Britt

Can you please approve an extension for this AOG request until 20 June – it is for Sch 1 1.3

Thanks
Kylie

From: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Sent: Thursday, May 23, 2024 9:39 AM
To: Treasury DLO <TreasuryDLO@act.gov.au>
Cc: Jaafarino, Somi <Somi.Jaafarino@act.gov.au>; Cameron, Susan <Susan.Cameron@act.gov.au>; Morris, Ben <Ben.Morris@act.gov.au>
Subject: RE: act of grace request (AOG)

OFFICIAL

Good Morning Kylie,

This AOG matter is still under consideration at senior levels. Would you be able to extend the due date on this item till 20th June please?

Best regards

Srimal

From: Treasury DLO <TreasuryDLO@act.gov.au>
Sent: Tuesday, April 30, 2024 10:29 AM
To: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Subject: RE: act of grace request

OFFICIAL

Thanks – I think Britt will talk to Scott about it after ERC today

Thanks
Kylie

From: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Sent: Tuesday, April 30, 2024 10:08 AM
To: Treasury DLO <TreasuryDLO@act.gov.au>
Subject: RE: act of grace request

OFFICIAL

Hi Kylie,

Yes I am. We have done some investigations and at the moment there's some discussion at senior levels on how to progress this matter. The timing will depend on the path we decide to take. For now, please keep 20-May on. I will get back to you with the next couple of days if the situation changes.

Best regards

Srimal

From: Treasury DLO <TreasuryDLO@act.gov.au>
Sent: Tuesday, April 30, 2024 9:58 AM
To: Abeysekera, Srimal <Srimal.Abeysekera@act.gov.au>
Subject: act of grace request

OFFICIAL

Hi Srimal

Are you handling the request from Sch 1 1.3 (24/1480) ? If so, can you please let me know if it is on track to be complete by 20 May?

Thanks
Kylie

Kylie Beer

Treasury Liaison Officer | Office of the Treasurer, Minister Steel and Minister Berry

Treasury | ACT Government

www.act.gov.au



I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: "Treasury DLO" <TreasuryDLO@act.gov.au>
Sent: 16/07/2024 10:20 AM
To: "CMTEDD MLO" <CMTEDD.MLO@act.gov.au>
Cc: "Abeysekera, Srimal" <Srimal.Abeysekera@act.gov.au>; "Austin, Scott" <Scott.Austin@act.gov.au>; "Cameron, Susan" <Susan.Cameron@act.gov.au>
Subject: Extension for 24/1480
Categories: Lily

OFFICIAL

Hi MLO team
Can you please make this container due to me on 16 August

Many thanks
Kylie

Kylie Beer
Treasury Liaison Officer | Office of the Treasurer, Minister Steel and Minister Berry
Treasury | ACT Government

www.act.gov.au

 I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Attachment F – Jurisdictional Comparison*

	Who can apply?	Means and/or merit tested?	Can the subject of investigation receive assistance?	Can assistance be claimed if the person uses their own chosen lawyer/counsel?
Cth	Any person	✓ - the enabling regulations require that the Attorney-General may only approve financial assistance if refusing to do so would result in serious financial hardship, or the circumstances of the case are of such a special nature that warrants assistance. The Attorney-General is authorised to place conditions on the financial assistance.	✓	✓
NSW	Any person	✓ - Application must be completed that includes income and asset details, and state if compliance with an ICAC notice will result in hardship, and the significance of the evidence you are required to provide at ICAC.	✓	✗ - if assistance is sought it is provided internally through the NSW Department of Justice.
Qld	Any person	✓ - The application form is focussed entirely on means and whether legal assistance will cause hardship. Unlike NSW, there is no assessment of merit.	✓	✓ - the persons solicitor must sign the application form
Vic	Any person	Not an identifiable requirement. There is no public information about the application process	✓	✓ - the person makes an application to the Secretary of the Justice and Community Safety

	Who can apply?	Means and/or merit tested?	Can the subject of investigation receive assistance?	Can assistance be claimed if the person uses their own chosen lawyer/counsel?
		for legal assistance in IBAC proceedings in Victoria.		Department. There are no public facing criteria on how the Secretary assess an application.
WA	Public officials only – employment nexus	✓ - An applicant must contact Legal Aid WA directly and request an application form. An application form is not publicly available.	✓	✗ - Must be a legal practitioner on the nominated WA Legal Aid Panel
Tas	Public officials only – employment nexus	✗	✓	✓ - assistance is limited up to \$3,000 in first instance. Application may be made for further assistance.
SA	Public Officials only – employment nexus	✗	✗- if the ICAC makes a finding the person engaged in corrupt conduct the person may not claim for reimbursement.	✓ - costs must assessed by SA Crown Solicitor as reasonable
NT	Public officials only – employment nexus	✗	✗	✗ - assistance is limited to a free one-hour consultation with NT Solicitor's Office. Additional assistance specific to the matter is at the person's expense.

OFFICIAL



MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To: Treasurer

Tracking No.: CMTEDD2024/1480

Date: 28/01/2025

From: Executive Branch Manager, Government Services, Environment and Transport

Subject: Request for an act of grace payment by the ACT Integrity Commissioner

Critical Date: Normal course of business

Critical Reason: To provide a response to the ACT Integrity Commissioner

- UT 04/02/25
- DUT 28/01/25
- EGM 16/12/24

Recommendations

That you:

1. Sch 2.2(a)(xi), Sch 1 1.3

Noted / Please Discuss

2. note that, although there is currently no regulation through which the costs incurred by witnesses that are not current or former ACT Government employees can be reimbursed, Sch 2.2(a)(xi), Sch 1 1.3

Noted / Please Discuss

3. note Treasury's recommendation that, on balance, the circumstances in this case support an act of grace payment;

Noted / Please Discuss

4. note Treasury's recommendation that any act of grace payment be limited to \$60,228 (the legal costs incurred by Sch 1 1.3 to date);

 **Noted / Please Discuss**

5. Sch 2.2(a)(xvi)
[Redacted]
[Redacted]
[Redacted]

 **Noted / Please Discuss**

6. agree to an act of grace payment totalling \$60,228, to be paid from the ACT Integrity Commission's existing resources, and sign the attached letter at Attachment A and s130(1) Instrument at Attachment B to inform the Commissioner of your decision.

 **Signed / Not Signed / Please Discuss**

Chris Steel MLA 



Minister's Office Feedback

Background

1. The ACT Integrity Commissioner, The Hon Michael F Adams KC, wrote to the then Treasurer, Mr Andrew Barr MLA, on 19 March 2024 (Attachment C) seeking:
 - a. authorisation for an act of grace payment (Sch 1 1.3 [REDACTED] to section 130 of the *Financial Management Act 1996* (FMA); and
 - b. to raise the general issue of reimbursing costs for non-Government witnesses appearing before the Commission.

Sch 1 1.3

4. While the Government has not yet made a regulation in relation to section 171, financial assistance to witnesses participating in Commission inquiries is available to current and former ACT public servants under the *Law Officers Legal Services Directions 2023* (Legal Services Directions).
 - a. The November 2023 Review of the IC Act (the 'Govey Review') recommended that the Government formalise the legal assistance scheme for all persons appearing before the Commission.
 - i. The Government Response to the Review of the IC Act (CAB2023/643) noted this recommendation and deferred further consideration to the eleventh Assembly.

Sch 1 1.3

Sch 1 1.3

7. On 30 July 2024, in response to a joint brief (CMTEDD2024/2865 at Attachment D) from the Deputy Director-General - Office of Industrial Relations and Workforce Strategy (OIRWS) and the Deputy Under Treasurer - Budget, Procurement, Investment and Finance, Chief Minister agreed that:
 - a. Treasury further investigate whether to authorise an act of grace payment in this instance; and
 - b. OIRWS, in consultation with officials from the Justice and Community Safety Directorate, ACTGS and Treasury, commence work to assess a basis for establishing an appropriate legal assistance scheme under the IC Act. ✓
 - i. OIRWS indicated that preliminary investigative work is ongoing.

Sch 2.2(a)(xvi)

Issues

Section 130 of the *Financial Management Act 1996*

9. Section 130 of the *Financial Management Act 1996* (FMA) allows the Treasurer to authorise a payment that would not otherwise be authorised by law or required to meet a legal liability.

130 Act of grace payments

- a. If the Treasurer considers it appropriate to do so because of special circumstances, the Treasurer may authorise the payment by a directorate or territory authority of an amount to a person (the **payee**) although the payment of that amount (the **relevant amount**) would not otherwise be authorised by law or required to meet a legal liability.
10. The FMA does not provide a definition of the terms “special circumstances” or “relevant amount”. The ACT Government has developed and published policies and guidelines for the consideration of act of grace requests.
11. Act of grace payments are discretionary. This means there is no situation which creates an automatic entitlement to an act of grace payment.
12. An act of grace payment is generally an avenue of last resort and is not used where there are other options available to provide redress.

What are Special Circumstances?

13. In deciding whether a special circumstance exists, including whether the Territory has a moral obligation in relation to the matter, the ACT Government’s policy provides that a decision maker may consider whether any of the following give rise to circumstances that are uncommon, exceptional or extraordinary in some way:
 - a. the direct role of the ACT Government in causing an unintended and inequitable result to a person such that it considers it has a moral responsibility to address the circumstances of the individual;
 - b. ACT legislation or policy though properly applied has had an unintended, anomalous, inequitable, or otherwise unacceptable impact on the individual’s or organisation’s circumstances, and the impact on the individual’s or organisation’s circumstances is:
 - i. specific to the individual or organisation;
 - ii. outside the parameters of events for which the individual or organisation was responsible or had the capacity to adequately control; but
 - iii. not merely the intended effect of the legislation; and
 - c. the matter is not covered by legislation or specific policy, but the ACT intends to introduce such legislation or policy, and it is considered desirable in a particular case to apply the benefits of the relevant policy retrospectively. 
 - d. any other matter that is rationally connected to the circumstances being considered.
14. Being merely policy, this is not an exhaustive list of the factors that may be taken into account; nor is it binding on decision-makers. It should not preclude considering

anything a decision-maker considers relevant or allow the consideration of factors not rationally connected to the subject matter.

Treasury assessment

Sch 2.2(a)(xi), Sch 1 1.3, Sch 2 s 2.2(a)(xvi)

Sch 2.2(a)(xi), Sch 1 1.3, Sch 2.2(a)(xvi)

Treasury Recommendation

Sch 2.2(a)(xi), Sch 1 1.3, Sch 2.2(a)(xvi)

Sch 2.2(a)(xi), Sch 1 1.3, Sch 2.2(a)(xvi)

Sch 2.2(a)(xi), Sch 1 1.3, Sch 2.2(a)(xvi)

30. If you agree to Treasury's recommendation, please sign the S130(1) Instrument at Attachment B and letter at Attachment A to inform the Integrity Commissioner of your decision.

Financial Implications

31. Should you agree to Treasury's recommendations, a payment of \$60,228 would be made from the Integrity Commission's existing resources. This amount and the reason for the payment would then be disclosed in the Commission's annual statements.

Consultation

32. Treasury consulted ACTIC, OIRWS and ACTGS in developing this brief.

External

33. N/A

Work Health and Safety

34. N/A

Benefits/Sensitivities

35. Sch 2.2(a)(xi), Sch 1 1.3

Communications, media and engagement implications

36. N/a

Signatory Name: Ben Morris

Phone: 71168

Action Officer: Srimal Abeysekera

Phone: 76912

Attachments

Attachment	Title
Attachment A	Sch 1 1.3
Attachment B	S130(1) Instrument
Attachment C	Sch 1 1.3
Attachment D	Sch 1 1.3
Attachment E	Sch 1 1.3
Attachment F	Sch 1 1.3
Attachment G	Australian Jurisdictional analysis

AUSTRALIAN CAPITAL TERRITORY

Financial Management Act 1996

Section 130(1) – Act of Grace Payment; 2024-25

I, Chris Steel, Treasurer, do hereby exercise my authority under section 130(1) of the *Financial Management Act 1996* to approve an Act of Grace payment to Sch 1 1.3
 for the amount of \$60,228.

Under section 130(6)(a) of the *Financial Management Act 1996*, I direct that the payment be made from existing Controlled Recurrent Payments appropriation of the ACT Integrity Commissioner.

Treasurer  6/4/25
Signature and Date

Chris Steel, MLA.

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2, Sch 2.2(a)(xii), Sch 2.2(a)(xi)

Sch 1 1.2, Sch 2.2(a)(xi), Sch 2.2(a)(xii)

Sch 1 1.2, Sch 2.2(a)(xi), Sch 2.2(a)(xii), Sch 2 s 2.2(a)(ii)

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2