



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Michael Pettersson MLA

Reference: Act of Grace payment/Community Services Directorate

Hearing: 18 February 2025

In relation to: Act of Grace payment

Question received: 21 February 2025

Answer Due: 28 February 2025

I note that an act of grace payment of \$20k was made relating to the incorrect application of law resulting in a financial loss by foster carers.

1. Can you advise what law was incorrectly applied and what error was made in its application?
2. How did that error occur?
3. What you have done to ensure this doesn't happen again?
4. Was the act of grace payment a single payment of \$20,000 or was this paid to more than one foster carer?
5. Why was it necessary to make an act of grace payment, rather than using the normal (but delayed) process of a payment of an entitlement?

Michael Pettersson MLA: The answer to the Member's question is as follows:

1. An act of grace payment is made in 'special circumstances' where ACT legislation or policy has had an unintended, anomalous, inequitable or otherwise unacceptable impact on an individual's or organisation's circumstances. Further information on act of grace payments are available in the [Act of Grace Policy and Procedures Guide](#).

Section 130 of the Financial Management Act 1996 (FMA) provides a discretion for the Treasurer the making of payments to persons in special circumstances.

Reflecting this, the Treasurer may authorise the payment by a directorate or territory authority of an amount to a person where the payment of that amount (the relevant amount) would not otherwise be authorised by law or required to meet a legal liability.

In this circumstance the act of grace payment was made in relation to an adoption application for a child in the care of the Director-General. The Community Services Directorate is responsible to pay for the court costs associated with adoption applications for children in the care of the Director-General as per the stated policy and practice guidelines.

For this matter, the court costs had not been paid by the Directorate at the time of the court proceedings and this act of grace payment was made subsequently to the applicants to cover the costs associated with the adoption application.

2. Given the confidential and sensitive nature of Act of Grace applications and payments, details of specifics requests are not publicly released so as to prevent inadvertent identification of individuals and their circumstances.
3. The Community Services Directorate is committed to continuous improvement and taking steps to quality assure business processes and procedures in all future matters. Adhering to policy and procedures is an area of compliance work that is being undertaken with a range of reforms expected to be implemented to support consistency when applying policy to practice. Given the specifics of this matter a direction was provided to outline the obligation Children, Youth and Families division have to support applications and applicant costs on a case-by-case basis and in line with the practice guidance material in place.
4. Please refer to the response to question number 2.
5. Please refer to the response to question number 2.

Approved for circulation to the Standing Committee on Social Policy

Signature:



Minister for Children, Youth and Families, Michael Pettersson MLA

Date: 19/3/25