

Amendments (Leader of the Government)

CLAUSE 9

Vote against the clause.

NEW CLAUSE A

To follow clause 8.

A. Part 3A inserted

After section 19 of the Principal Act, the following Part is inserted:

**PART 3A – Ex gratia payments payable
under Act**

19A. Ex gratia payment for charges expunged

- (1) This Part applies in respect of a person whose charge is expunged under this Act, regardless of whether that charge is expunged before or after the commencement of this Part.
- (2) The Secretary must make an ex gratia payment under this Part to a person whose charge has been expunged under section 12(6) as soon as practicable after that charge has been expunged, but in any case within 3 months after whichever of the following days occurs later:
 - (a) the day on which this Part commences;

- (b) the day on which the charge is expunged.
- (3) Subsection (2) does not apply if the person whose charge has been expunged notifies the Secretary in writing that the person does not wish for an ex gratia payment to be made to them under this Part.

19B. Amount of ex gratia payment

- (1) In this section –

CPI figure for Hobart means the Consumer Price Index (All Groups) Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

percentage change, in relation to a financial year, means the percentage change published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth between –

- (a) the average CPI figure for Hobart in respect of the 4 quarters ending on 31 December immediately

preceding the
financial year; and

- (b) the average CPI figure for Hobart in respect of the 4 quarters immediately preceding the 4 quarters referred to in paragraph (a);

subsequent financial year means a financial year after the financial year that ends on 30 June 2025.

- (2) The amount of an ex gratia payment to be paid to a person under this Part in respect of an expunged charge for the financial year ending on 30 June 2025 is –
 - (a) \$5 000 per expunged charge that results in the annotation of an official criminal record under section 15; and
 - (b) \$2 500 per expunged charge that does not result in the annotation of an official criminal record under section 15.
- (3) The amount of an ex gratia payment payable to a person under this Part in respect of an expunged charge for a subsequent financial year is the greater of the following:

- (a) the amount calculated by increasing the amount payable for the expunged charge for the immediately preceding financial year by the percentage change for the subsequent financial year;
- (b) the amount payable for the expunged charge for the immediately preceding financial year.

19C. Cessation of expungement

- (1) If the Secretary makes a determination under section 20(1) that a charge has ceased to be expunged, the Secretary may determine that any ex gratia payment paid under this Part to a person in respect of that charge is to be repaid.
- (2) If the Secretary makes a determination under subsection (1) that an ex gratia payment is to be repaid, that payment is a debt due and payable to the Crown by the person who received that payment.