

## **Attachment – Existing ex gratia payment scheme**

In Tasmania, ex-gratia payments are overseen by the Treasurer under the *Financial Management Act 2016*. Section 55 of that Act provides that:

- (1) If the Treasurer is satisfied that it is appropriate to do so because of special circumstances, the Treasurer may authorise an amount to be paid to a person even though the payment would not otherwise be authorised by law or be required to meet a legal liability.
- (2) A payment under this section may be made subject to conditions.
- (3) If a condition imposed under subsection (2) on a payment is breached, the amount paid may be recovered as a debt due to the State in a court of competent jurisdiction.

Treasurer's Instruction FC 13 states:

- 13.2 The Accountable Authority must seek the prior written approval of the Treasurer before making an ex-gratia payment.
- 13.3 The Accountable Authority must ensure that a request to the Treasurer for approval of an ex gratia payment is forwarded to the Secretary of the Department of Treasury and Finance and is accompanied by sufficient supporting documentation to enable an assessment of the request.
- 13.4 Before a request to approve an ex gratia payment is forwarded for the Treasurer's consideration, the Accountable Authority must seek advice from the Solicitor-General where:
  - 13.4.1 it is proposed that the Government intervene in a matter between two parties in the public interest;
  - 13.4.2 there is a reasonable possibility that further claims for similar payments will be received; or
  - 13.4.3 it is considered that advice from the Solicitor-General is required due to the complexity or uncertainty of the matter.