
Act of Grace request form

▪ What is an “Act of Grace” payment?

An Act of Grace payment is a payment which the Minister for Finance and Deregulation can make to a person in situations where the Minister considers it appropriate to do so. The Minister must follow guidelines when deciding whether to grant an Act of Grace payment.

▪ When should I apply for an Act of Grace payment?

There is no point in applying for an Act of Grace payment if there are other ways to solve your problem, because *the Minister will not grant an Act of Grace payment if you have another viable option for fixing your problem*. Some examples of other options that may be available include:

- appealing a Centrelink decision to an Authorised Review Officer; or
- appealing a Centrelink decision to the Social Security Appeals Tribunal (SSAT) or the Administrative Appeals Tribunal; or
- seeking compensation from Centrelink through the Compensation for Detriment due to Defective Administration (CDDA) scheme.

You are unlikely to be successful in your request for an Act of Grace payment if you do not have some evidence to present that indicates you have *tried* other options. Examples of evidence may be a tribunal decision which states that further appeal has no merit, or if you sought legal advice, a letter advising that you have no grounds for appeal. *It is not advisable to seek an Act of Grace payment until it is clear that you have no other viable options for appeal*.

▪ What guidelines will be considered when deciding whether to grant an Act of Grace payment?

The decision maker will consider whether there is some moral or humanitarian issue regarding the law which produces an anomalous or inequitable result in your case. The specific guidelines of factors to be considered include whether:

- your circumstances are covered by specific legislation and whether application of the legislation has produced a *result that was unintended, anomalous, inequitable or otherwise unacceptable* in your particular circumstances; or
- the government intends to introduce legislation and whether there are special reasons that make it desirable in your particular case to *apply proposed legislation prospectively* by an “Act of Grace”; or
- in your particular case there are special circumstances that lead to the conclusion that there is a *moral obligation* on the Commonwealth to make a payment.

▪ What are my chances?

Act of Grace payments are very rare and decisions not to grant them are not appealable. Although few people are successful in their request for an Act of Grace payment, it costs nothing to make a request.

What is the procedure?

One option is to use this form to lodge your Act of Grace request. Make sure you keep a copy before you send it to the address at the top of the form. The Parliamentary Secretary will refer your request back to Centrelink to get its opinion before making the decision on behalf of the Minister.

(Name)

(Address)

(Centrelink Customer
Reference Number)

(Telephone)

(Date)

Special Claims and Land Policy Branch
Department of Finance and Deregulation
John Gorton Building
King Edward Terrace
PARKES ACT 2600

Request for Act of Grace assistance

I am requesting an Act of Grace payment under section 33 of the *Financial Management and Accountability Act 1997*. I have no other viable means of redressing the problem which I have discussed in detail below. I believe that such a payment is appropriate for one or more of the following reasons:

- I believe that the application of the law to my particular situation has produced a result which disadvantages me and is unintended, anomalous, inequitable or otherwise unacceptable; and/or
- I understand that the Government intends to introduce new legislation which should be applied to my situation prospectively; and/or
- I believe that the Government has a moral obligation to make an Act of Grace payment due to my special circumstances.

Details of the Act of Grace payment I am seeking are as follows:

(Eg 1: I am seeking an amount equivalent to Age Pension for the period January to June 2012)
(Eg 2: I am seeking a periodical amount being equivalent to Age Pension from January 2012 and continuing)

I have been advised that I have no other viable means of redress:

(Explain who advised you that you have no other means of fixing this problem and what reasons were given. If an Authorised Review Officer or tribunal member has included this in a decision, make sure a copy of the decision is attached. If you have received legal advice that you have no prospects of a successful appeal, you may wish to attach evidence of this advice).

Details of my situation, the background and appeals I have pursued are as follows:

(Explain how the situation came about. Attach any decisions that have been made by Authorised Review Officers or tribunals).

I believe that an Act of Grace payment is appropriate for one or more of the following reasons:

a) the application of the law to my particular situation has produced a result which disadvantages me and is unintended, anomalous, inequitable or otherwise unacceptable.

(If the disadvantage that you have suffered and its causes have not already been described in one of the sections above, make sure you describe it here. Explain why you think that the Government did not intend that a person in your situation should experience this disadvantage.)

AND/OR

b) I understand that the Government intends to introduce new legislation which, for special reasons, should be applied to my situation prospectively.

(You will need to give details of the new legislation and explain the special reasons why it should be applied to you prospectively).

AND/OR

c) the Government has a moral obligation to make an Act of Grace payment due to my special circumstances

(You will need to give extensive details of your special circumstances and should attach as much documentary evidence of these as possible. You will also need to explain why you think the Government has a moral obligation to grant you a payment)

Please contact me to confirm receipt of this Act of Grace request. I look forward to hearing from your office soon. Please contact me if you require further information.

Yours sincerely,

(Signature)