



Australian Capital Territory

# Workplace Legislation Amendment Act 2018

A2018-10

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
2	Commencement	2
3	Legislation amended	2
<b>Part 2</b>	<b>Public Sector Management Act 1994</b>	
4	Section 246	3

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J2017-459

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

	Page
<b>Part 3</b>	
<b>Workplace Privacy Amendment Act 2016</b>	
5     Sections 5 and 7 to 16	4



Australian Capital Territory

# Workplace Legislation Amendment Act 2018

A2018-10

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An Act to amend the *Public Sector Management Act 1994* and the *Workplace Privacy Amendment Act 2016*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Workplace Legislation Amendment Act 2018*.

### 2 Commencement

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

### 3 Legislation amended

This Act amends the *Public Sector Management Act 1994* and the *Workplace Privacy Amendment Act 2016*.

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## Part 2                      Public Sector Management Act 1994

### 4                      Section 246

*substitute*

#### 246                      Repaying overpayment

- (1) A public servant must repay any amount paid by the Territory to the public servant to which the public servant is not legally entitled.
- (2) Subsection (1) applies regardless of when the overpayment was made.
- (3) The arrangements for repayment may be agreed between the head of service and the public servant.
- (4) If the head of service and the public servant cannot agree on an arrangement for repayment within, in the opinion of the head of service, a reasonable period, the head of service may determine reasonable arrangements for repayment having regard to—
  - (a) the period in which the overpayment occurred; and
  - (b) the circumstances of the overpayment; and
  - (c) the gross and net amount of the overpayment; and
  - (d) the public servant's financial circumstances; and
  - (e) any hardship the arrangement may cause to the public servant; and
  - (f) any other relevant circumstance.
- (5) An arrangement for repayment under subsection (3) or (4) may provide for—
  - (a) the deduction of amounts from the public servant's salary; and
  - (b) repayment by instalments.

## Part 3 Workplace Privacy Amendment Act 2016

### 5 Sections 5 and 7 to 16

*omit*

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#### Endnotes

- 1 Presentation speech**  
Presentation speech made in the Legislative Assembly on 15 February 2018.
  - 2 Notification**  
Notified under the [Legislation Act](#) on 27 March 2018.
  - 3 Republications of amended laws**  
For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).
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I certify that the above is a true copy of the Workplace Legislation Amendment Bill 2018, which was passed by the Legislative Assembly on 20 March 2018.

Clerk of the Legislative Assembly