

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Workplace Safety and Industrial Relations)

# Workplace Legislation Amendment Bill 2018

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# Workplace Legislation Amendment Bill 2018

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## A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

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1 **Part 2** **Public Sector Management**  
2 **Act 1994**

3 **4 Section 246**

4 *substitute*

5 **246 Repaying overpayment**

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

1 **Part 3** **Workplace Privacy Amendment**  
2 **Act 2016**

3 **5 Sections 5 and 7 to 16**

4 *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 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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