

<b>Treasurer's Instruction No</b>	<b>801</b>
Title	<b>Recovery of Overpayments of Salary and/or Allowances of Employees</b>
Effective date	<b>1 November 2005</b>
Objective and Background	<b>Provides guidance for recovery of an overpayment of employee benefits</b>
Last Reviewed Date	<b>1 November 2005</b>

*This Instruction was previously known as Treasurer's Instruction No 811 – Recovery of Overpayments of Employee Benefits.*

*Black letter (or bold) items within these Instructions are mandatory and other plain font items are instructional or for the purpose of providing guidance only.*

- (1) A Head of Agency shall recover any overpayment of employee benefits in full, unless Crown Law has advised that it is not appropriate to do so.**
- (2) The Head of Agency will advise the employee, whether former or current, in writing requesting repayment as soon as possible after the overpayment is discovered.**

An overpayment can be recovered by instalments from future payments of employee benefits by agreement, written and signed, by the Head of Agency and the employee.

If the employee has left, or is leaving the State Service, the amount of any recoverable overpayment shall be deducted from any termination payment, excluding superannuation entitlements. If no money is owed to a former employee that allows future deductions for the recovery of the overpayment, the amount then becomes a debt due to the Crown.

- (3) Where the recipient disputes overpayment, the matter shall be referred to the Office of the Director of Public Prosecutions for recovery.**
- (4) Subject to section 62 of the Act, overpayments may be written off where recovery is not appropriate due to hardship or where Crown Law recommends write off of the overpayment.**

A request by the employee for relief or deferment of the debt from the employee should be in writing and supported by a statement containing income, assets, living expenses and liabilities. The Head of Agency has discretion to determine hardship once the request has been submitted.