

# MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

- 1. TITLE:** **Contracts for a Fixed Term – Officers whose Remuneration is Less than that of a Senior Officer**
- 2. PURPOSE:** To prescribe the approval requirements for the terms and conditions of contracts for a fixed term for those officers whose remuneration is less than that of a Senior Officer.
- 3. LEGISLATIVE PROVISIONS:** Sections 34(2), 69 and 70 of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies only to public service officers on contracts for a fixed term where the remuneration under the contract is less than that paid to a Senior Officer.
- 5. STANDARD:** As per the Schedule.
- 6. EFFECTIVE DATE:** This directive is to operate from **19 April 2004**.
- 7. VARIATION:** Any proposed variation to the contract is to be discussed with the appropriate officers in the Department of Industrial Relations. Where the contract provides for variation it may be amended accordingly.
- 8. INCONSISTENCY:** Sections 34(2) and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 17/01: *“Contracts for a Fixed Term – Officers whose Remuneration is Less than that of a Senior Officer”*
- 10. PREVIOUS REFERENCES:** Directive 28/99: *“Basis of Employment – Contracts for a Fixed Term”*  
Directive 3/96: *“Basis of Employment – Fixed Term Contracts”*
- 11. SEE ALSO:** Circular 5/00

## SCHEDULE

### CONTRACTS FOR A FIXED TERM

GENERAL CONDITIONS	
<p><b>Entitlement</b></p> <ul style="list-style-type: none"> <li>• A tenured public service officer who, under section 69 of the <i>Public Service Act 1996</i>, accepts a contract for a fixed term; and</li> <li>• An appointee who, but for the acceptance of a contract for a fixed term under sections 69 and 70 of the <i>Act</i>, would have been appointed to a tenured public service position of a kind normally occupied by an officer,</li> </ul> <p>are subject to this directive if the remuneration received under the contract is less than the remuneration of a Senior Officer.</p> <p><b>General principles relating to contracts for a fixed term</b></p> <ol style="list-style-type: none"> <li>1. The department in which the contract is being considered may take into account the following circumstances –                     <ul style="list-style-type: none"> <li>• to recruit or attract a person or persons with specialist skills for a major project;</li> <li>• to recruit or attract a person or persons with specialist skills for a specified period;</li> </ul> </li> </ol>	<ul style="list-style-type: none"> <li>• for incentive options to recruit or attract a person or persons in specialised roles in commercialised operations which are competing with the private sector for business; or</li> <li>• to offer incentives or benefits to recruit or attract staff to specialised roles in remote areas.</li> </ul> <ol style="list-style-type: none"> <li>2. Each proposal for an appointment to be made on a fixed term contract is to take the form of a business case.</li> <li>3. A two-stage approval process is in place. The first determines the appropriateness of a contract in the circumstances. The second is about the content of the contract. Any alteration to the terms of the contract also requires approval.</li> <li>4. Approvals are to be sought from the chief executive of the department responsible for industrial relations as required under section 69(2)(b) of the <i>Public Service Act 1996</i>.</li> <li>5. The fixed term of the contract will usually be for a period of 3 years or the duration of a specific project, whichever is the lesser period. Contracts beyond a 5-year term will not be approved.</li> </ol>