

MINISTER FOR TRANSPORT, TRADE, EMPLOYMENT AND INDUSTRIAL RELATIONS

- 1. TITLE:** **Contracts for a Fixed Term – Where Remuneration under the Contract is Less than that of a Senior Officer**
- 2. PURPOSE:** To prescribe the approval requirements for contracts for a fixed term where remuneration under the contract is less than the remuneration payable to a Senior Officer.
- 3. LEGISLATIVE PROVISIONS:** Sections 34(2), 69 and 70 of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to departments and public service offices seeking to employ persons on contracts for a fixed term where remuneration under the contract is less than the remuneration payable to a Senior Officer.
- 5. STANDARD:** As per the Schedule.
- 6. EFFECTIVE DATE:** This directive is to operate from **4 February 2008**.
- 7. 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.
- 8. SUPERSEDES:** Directive 4/04: “*Contracts for a Fixed Term – Officers whose Remuneration is Less than that of a Senior Officer*”
- 9. PREVIOUS REFERENCES:** Directive 17/01: “*Contracts for a Fixed Term – Officers whose Remuneration is Less than that of a Senior Officer*”
Directive 28/99: “*Basis of Employment – Contracts for a Fixed Term*”
Directive 3/96: “*Basis of Employment – Fixed Term Contracts*”
- 10. SEE ALSO:** Circular C2/06

SCHEDULE

CONTRACTS FOR A FIXED TERM

GENERAL CONDITIONS

1. General principles relating to contracts for a fixed term

1.1 The department or public service office in which the contract is being considered may take into account circumstances such as the following –

- to attract or retain a person or persons with specialist skills or skills in demand for a major project;
- to attract or retain a person or persons with specialist skills or skills in demand for a specified period;
- for incentive options to attract or retain a person or persons in specialised roles in commercialised operations which are competing with the private sector for business; or
- to offer incentives or benefits to attract or retain a person or persons in specialised roles in remote areas.

1.2 Each proposal for an appointment to be made on a fixed term contract is to take the form of a business case (see PSIER Circular C2/06).

2. Approval process

2.1 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.

2.2 Any alteration to the terms of the contract or extension of the contract also requires approval. Where the contract provides for variation it may be amended accordingly.

2.3 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 *Public Service Act 1996*.

2.4 A chief executive must not declare that an appointment is to be available on contract for a fixed term unless approved by the chief executive of the department responsible for industrial relations and the relevant notice has been published in the *Queensland Government Gazette*.

2.5 The fixed term of the contract will usually be for a period of up to 3 years duration or the duration of a specific project. Contracts beyond a 5-year term will not be approved.

2.6 Applications for multiple section 70 contracts under the Attraction and Retention Remuneration Incentive Policy will require government approval.