

- 1. TITLE:** **Basis of Employment – Contracts for a Fixed Term**
- 2. PURPOSE:** To prescribe the approval requirements for the terms and conditions of contracts for a fixed term for officers and related matters.
- 3. LEGISLATIVE PROVISIONS:** Sections 34, 69 and 70 of the *Public Service Act 1996*.
- 4. APPLICATION:**
- 4.1** **The Director-General of the Department of Employment, Training and Industrial Relations** is responsible only for contracts for a fixed term applying to public service officers whose remuneration under the contract is less than the remuneration payable to a senior officer.
- 4.2** **The Public Service Commissioner** is responsible only for contracts for a fixed term applying to public service officers whose remuneration under the contract is equal to, or higher than, the remuneration of a senior officer.
- 5. STANDARD:**
- 5.1** Chief executives are to obtain prior approval of the Director-General of the Department of Employment, Training and Industrial Relations or the Public Service Commissioner, in accordance with the application clause above, for the content of a contract for a fixed term, including the departmental duties and responsibilities to be undertaken in the contract.
- 5.2** For an officer on a contract for a fixed term within the responsibility of the Public Service Commissioner under clause 4.2 above –
- The remuneration benefits under the contract (if any) may only be varied once in each 12 month period, except if there are special reasons for doing so. The officer's chief executive may consider a change within a lesser period upon the request of the officer; and
 - The total cost of remuneration benefits must not exceed 50% of the officer's remuneration package amount at the time the total cost is determined.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.

- 7. VARIATION:**
- 7.1 For an officer on a contract for a fixed term within the responsibility of the Director-General of the Department of Employment, Training and Industrial Relations, any proposed variation to the contract is to be discussed with the Department of Employment, Training and Industrial Relations. Where the contract provides for variation, the contract may be amended accordingly.
 - 7.2 For an officer on a contract for a fixed term within the responsibility of the Public Service Commissioner, refer to the variation clause under the contract.

8. INCONSISTENCY:

Sections 34 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 3/96 "*Basis of Employment - Fixed Term Contracts*".

10. RESPONSIBILITIES:

- 10.1 **The Minister for Employment, Training and Industrial Relations** has issued clauses 1, 2, 3, 4.1, 5.1, 6, 7.1, 8, 9 and 10.1 of this directive.
- 10.2 **The Public Service Commissioner** has issued clauses 1, 2, 3, 4.2, 5.1, 5.2, 6, 7.2, 9 and 10.2 of this directive.

SUPERSEDED