

Public Sector Industrial Relations

Level 4 75 William Street Brisbane QLD 4000

Telephone 32252368 **Facsimile** 32295943

Title Section 69 of the *Public Service Act 1996*

Date 27 July 2000 **Circular No.** 5/00

Principles under which decisions, that an officer may be appointed on contract for a fixed term, will be made by the Director-General, Department of Employment, Training and Industrial Relations, in accordance with s.69 of the *Public Service Act* and *Directive 28/99*.

Section 69 of the *Public Service Act 1996* (the Act) provides the statutory basis for determining whether the employment of an officer will be either on "Tenure" or on "Contract". Section 69 of the Act also provides that an appointment as an officer, whose remuneration is less than that payable to a senior officer, may be on a contract for a fixed term if the chief executive of the Department of Employment, Training and Industrial Relations (DETIR) so decides.

Section 69 of the Act further provides that the chief executive of the department where the officer is to be employed must also declare that the appointment is to be available on contract for a fixed term.

Section 70 of the Act sets out the basis of employment for an officer who is to be employed on a contract for a fixed term.

Directive 28/99 "Basis of Employment - Contracts for a Fixed Term" requires chief executives to obtain prior approval of the Director-General of the Department of Employment, Training and Industrial Relations for the content of a contract for a fixed term, including the departmental duties and responsibilities to be undertaken.

In determining whether a position is to be made available on contract for a fixed term, the decision of the Director-General of DETIR will be based on four principles:

- The need to recruit or attract a person or persons with specialist skills for a major project;
- The need to recruit or attract a person or persons with specialist skills for a specified period;
- The need 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;
- The need to offer incentives or benefits to recruit or attract staff to specialised roles in remote areas.

Each proposal by a department for an appointment to be made on contract for a fixed term should take the form of a business case and should address the following points:-

- The reason a contract of employment arrangement is the best employment option;
- The demonstrated benefits, financial and non-financial for the Department, Government or community generally;
- The rationale or justification for the proposed remuneration level;
- The justification for the proposed special benefits (for example, home garaging of a government vehicle, performance bonuses etc) under the contract which would be relevant to the duties and responsibilities of the position;



Title

Section 69 of the *Public Service Act 1996*



Date

27 July 2000



Circular No.

5/00



- Results of a recruitment strategy (if previously undertaken) to fill the role at its evaluated level;
- Acknowledgement that support for the proposal will not have any flow-on effects to other roles within the Department.

The fixed term period of the contract will generally be for three years or the duration of the specific project (whichever is the lesser period). In any event, the maximum period of a contract will be for five years.

Use of contracts will not be supported if the proposal merely attempts to circumvent award provisions, government policy or other approved conditions of employment and entitlements.

When sending a proposal to DETIR please include the name and phone number of a contact officer who can provide further information if this is needed.



JIM MCGOWAN

General Manager

The Division of Public Sector Industrial Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Employment, Training and Industrial Relations.

- Enquiries about this circular should be directed to David Mapstone of Public Sector Industrial Relations on: telephone 07 32252368.
- General enquiries about public sector industrial relations matters should be directed to telephone 07 32252342.
- Written enquiries should be addressed to:
The General Manager
Public Sector Industrial Relations
GPO Box 69
BRISBANE Q 4001

Copies of all current circulars issued by Public Sector Industrial Relations are available from the department's web site at www.detir.qld.gov.au/ir/psinfo/psinfo.htm

Ref:PSC/1999/002 Part 1

