

Public Sector Industrial and Employee Relations

Level 4, 75 William Street Brisbane QLD 4000

Circular No. C2/06

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Principles under which decisions, that an officer may be appointed on contract for a fixed term, will be made by the Director-General of the Department of Industrial Relations, in accordance with s.69 of the *Public Service Act 1996* and Directive 04/04

Legislation

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 Industrial Relations 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.

Relevant Ministerial Directive

Directive 04/04 *Contracts for a Fixed Term - Officers whose Remuneration is Less than that of a Senior Officer*, requires chief executives to obtain prior approval of the Director-General of the Department of Industrial Relations for the content of a contract for a fixed term, including the departmental duties and responsibilities to be undertaken.

Principles of Assessment

The use of employment contracts under section 69 of the Act, while providing flexibility in the management of human resources in Departments, will usually be considered under two principles:

- Providing incentive options to officers in untied, commercial operations which are truly competing with the private sector for business and revenue; or
- To attract and retain persons:
 - With specialist skills or expertise for a major project for a limited duration;
 - Where skill shortages are significantly affecting service delivery;
 - In remote areas.

◆ Title: Section 69 of the Public Service Act 1996

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Business Case

Notwithstanding consideration of the principles outlined above, each proposal should take the form of a business case and should address the following points:

- Why the remuneration package being sought is appropriate (eg based on labour market information);
- Impact if the position is not filled;
- Where the inability to attract or retain people with appropriate skills and experience is the reason for the request, advice about the results of any recruitment strategy (if previously undertaken) to fill the role at its evaluated classification level;
- Workforce improvement measures other than remuneration that have been assessed;
- Why a contract of employment arrangement is the best option compared to other options of employment;
- What are the demonstrated benefits, financial and non-financial, for the Department, Government and/or community generally;
- How the agency proposes to evaluate the benefits of the contract arrangement;
- Justification for proposed special benefits (eg private use of a government vehicle) under the contract which would be directly relevant to carrying out the duties and responsibilities;
- Results of an analysis of any potential flow-on effects to other roles within the Department or across the public service.

The fixed term period of the contract of employment will generally be for three (3) years or the duration of the specific project (whichever is the lesser period). The maximum period of a contract of employment will be five (5) years.

Use of contracts will not be supported if the proposal merely attempts to circumvent Award provisions, Government policy or other human resource management policy and practice and/or other approved conditions of employment and entitlements.

Agencies may find it useful to contact Public Sector Industrial and Employee Relations Division (PSIER) of the Department of Industrial Relations to discuss possible applications prior to lodgement.

The Division of Public Sector Industrial and Employee Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Industrial Relations. Enquiries about this circular should be directed to Katrina McGill on 3224 6309

General enquiries about public sector industrial and employee relations matters should be directed to telephone 07 3239 0402

- Written enquiries should be addressed to:
The General Manager
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Copies of all current circulars issued by Public Sector Industrial and Employee Relations are available from the department's web site at www.psier.qld.gov.au