

NORTHERN TERRITORY OF AUSTRALIA

*Public Sector Employment and Management Act 1993*

**VARIATION OF DETERMINATION NUMBER 3 OF 2012**

I, Vicki Telfer, Commissioner for Public Employment, pursuant to section 14(2) of the *Public Sector Employment and Management Act 1993* and with reference to section 43 of the *Interpretation Act 1978*, vary Determination Number 3 of 2012, dated 13 January 2012, by deleting from its Schedule:

'Medical Officers Northern Territory Public Sector Enterprise Agreement 2011–2013'

**DETERMINATION NUMBER 1002 OF 2021**

CASUAL EMPLOYMENT – MEDICAL OFFICERS

I, Vicki Telfer, Commissioner for Public Employment:

1. In pursuance of section 34A(1) of the *Public Sector Employment and Management Act 1993* ('the Act'), determine that Medical Officers employed in accordance with the Medical Officers Northern Territory Public Sector 2018 – 2021 Enterprise Agreement (or its successor enterprise agreement) may be employed by the Department of Health on a casual basis under section 29(3)(c) of the Act ('a casual employee').
2. In pursuance of section 34A(3) of the Act, the terms and conditions of employment are as specified in this Determination and:
  - (i) the Medical Officers Northern Territory Public Sector 2018 – 2021 Enterprise Agreement ('the Agreement'), or its successor enterprise agreement;
  - (ii) the Act and the *Public Sector Employment and Management Regulations 2011*; and
  - (iii) By-laws, Employment Instructions and other Determinations made under the Act.
3. Casual employees will be offered work only when required.
4. There is no continuing contract of employment requiring casual employees to work on a subsequent occasion at a specified time.
5. At the time of being employed the Chief Executive Officer (or delegate) may stipulate the duration of employment (i.e. cessation time) or later terminate the




- employee's casual employment by giving at least one hour's notice of cessation.
6. Once employed, the employee may terminate their casual employment by providing at least one hour's notice to the Chief Executive Officer (or delegate).
  7. A casual employee:
    - (i) is paid an ordinary hourly rate plus a casual loading in accordance with the Agreement;
    - (ii) is not eligible for incremental adjustment to their ordinary hourly rate; and
    - (iii) does not accrue or become entitled to utilise any paid leave other than long service leave in accordance with By-law 8.
  8. The employer will make sufficient superannuation contributions to meet its minimum employer contribution requirements under the *Superannuation Guarantee (Administration) Act 1992*. As a consequence, superannuation will only be paid up to the superannuation maximum contribution base even if the employee's ordinary time earnings (including allowances which count for purposes of superannuation) exceed this amount.
  9. The employee may be required to perform overtime and/or shiftwork and will receive appropriate penalty rates calculated on the ordinary hourly rate for such duty. Overtime and shiftwork will be performed and paid in accordance with the Agreement. The casual loading will not be used to increase the hourly rate for payment of overtime or shiftwork penalties.
  10. Subject to the Agreement, the Public Sector Employment and Management By-laws do not apply, with the exception of:
    - (i) By-law 8 – Long Service Leave
    - (ii) By-law 22 - Loss or Damage to Clothing or Personal Effects
    - (iii) By-law 30 - Travelling Allowance
    - (iv) By-law 30A - Living Away From Home Allowance
    - (v) By-law 32 - Vehicle Allowance
  11. The Employment Instructions apply with the exception of:
    - (i) Employment Instruction Number 2 – Probation
    - (ii) Employment Instruction Number 6 – Employee Performance and Inability
    - (iii) Employment Instruction Number 7 – Discipline



(iv) Employment Instruction Number 14 – Redeployment and Redundancy Procedures

12. This Determination is effective from the date of signing.

Dated

 February 2021



VICKI TELFER PSM  
Commissioner for Public Employment