NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act

REVOCATION OF DETERMINATION AND DETERMINATION

I, KENNETH DONALD SIMPSON, the Commissioner for Public Employment, pursuant to section 14(2) of the Public Sector Employment and Management Act and with reference to section 43(a) of the Interpretation Act, revoke Determination Number 11 of 1993.

DETERMINATION Number 5 of 2007

I, KENNETH DONALD SIMPSON, the Commissioner for Public Employment:

1. in pursuance of section 34(1)(a) of the Public Sector Employment and Management Act (the Act), determine that the classes of duties specified in the Schedule may be performed for a fixed period by a person appointed on a temporary basis under section 29(3)(b) as a casual employee;

2. in pursuance of section 34(3) of the Act, determine that a person may be employed to perform the duties for a period not exceeding 5 years;

3. in pursuance of section 34(4) of the Act, determine that the terms and conditions to apply to and in relation to the employment as a casual employee will be as follows:

(a) The person is employed and paid by the hour;

(b) Works only when required by the employer (which may or may not be on a regular basis or on fixed days or at fixed hours);

(c) There is no continuing contract of employment with the employer requiring the person to work on a subsequent occasion at a specified time;

(d) The time of ceasing employment may be stipulated at the time of engagement or on at least one hour's notice of cessation of the period of employment being given;

(e) Payment will be at the appropriate hourly rate of pay relevant to the designation assigned and, in addition, will be paid 20% of that hourly rate as a casual loading;
(f) As detailed in Regulation 5 of the Public Sector Employment and Management Regulations, Parts 7 and 8 and sections 57 and 58 of the Act do not apply;

(g) With the exception of By-Law 26, the Public Sector Employment and Management By-Laws do not apply;

(i) If eligible, Northern Territory Allowance will be paid under the provisions of By-law 26 with the entitlement calculated in accordance with the following formula:

\[
\frac{A \times C \times 12}{B \times 313} = \text{Rate of NTA payable per fortnight}
\]

Where;

\begin{align*}
A & = \text{hours worked per week} \\
B & = \text{standard hours of full-time work per week} \\
C & = \text{annual rate of Northern Territory Allowance}
\end{align*}

(h) All Employment Instructions issued by the Commissioner pursuant to section 16 of the Act apply, with the exception of:

(i) Employment Instruction Number 5 – Medical Incapacity;

(ii) Employment Instruction Number 6 – Inability to Discharge Duties;

(iii) Employment Instruction Number 7 – Discipline; and

(iv) Employment Instruction Number 14 – Part-Time Employment.

(i) A casual employee:

(i) does not accrue or become entitled to utilise any paid leave;

(ii) is not eligible for incremental adjustment to their salary; and

(iii) does not receive payment for public holidays not worked.

4. This Determination will have effect as if it was signed on 27 March 2006.

Dated 3 September, 2007

KEN SIMPSON
Commissioner for Public Employment
SCHEDULE

Duties performed by employees holding designations contained in the following Awards of the Australian Industrial Relations Commission or Determinations of an Arbitral Tribunal:

Centralian College Lecturers and Educational Administrators (NT) Award 2001 [AP811320]
Community and Public Sector (NTPS) Award 2002 [AP815998]
Construction and Maintenance Workers (NTPS) Award 2001 [AP811473]
Darwin Port Corporation (Maritime Unions) Award 2003 [AP822275]
Drafting, Supervisory, Technical and Other Employees (NTPS) Award 2002 [AP818680]
Fire and Rescue Services Employees (Northern Territory) Award 2001 [AP810327]
General Employees (NTPS) Miscellaneous Workers Union Award 2001 [AP811838]
Health Employees (NTPS) Miscellaneous Workers Union Award 2001 [AP811829]
Medical Officers (NTPS) Award 2001 [AP807671]
Northern Territory Public Sector Teachers and Assistant Teachers Award 2001 [AP811318]
Nurses (NTPS) Award 2001 [AP805842]
Professional Engineers (NTPS) Award 2001 [AP807116]
Senior Prison Officers Arbitral Tribunal Determination No. 4
Transport Workers' (NTPS) Award 2002 [AP818813]

Duties performed by employees holding designations (not covered by an Award at the time of signing of this Determination) in the following list:

Officer In-Charge, Wilderness Work Camp
Wilderness Work Camp Supervisor
Pilot
Senior Pilot
Chief Pilot
Head Coach Level 2
Head Coach Level 3
Trainee – Information Technology
Trainee – Library Technician
Trainee – Non-Classified
Trainee – Professional Group
Computer Systems Officer In-Training
NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY PUBLIC SECTOR

EMPLOYMENT CONTRACT

(Casual Employees)

This Contract of Employment is made between

The Commissioner for Public Employment
("the Employer")

.................................................................
(show address for service of notices)

and

.................................................................
("the Employee")

.................................................................
(show address for service of notices)
Appointment

1. The designation to which the Employee is appointed is

2. The period of this Contract commences on the day of 20__ and ends on the day of 20__, unless sooner terminated.

Remuneration

3. Subject to the terms and conditions of this Contract, the Employee is entitled to a salary of ($_______) per hour.

Duties of Employee

4. The Employee must carry out the duties from time to time assigned to the Employee by the Chief Executive Officer.

Terms and Conditions

5. The terms and conditions of this Contract are set out in Determination No. 5 of 2007 of the Employer pursuant to section 34(4) of the Public Sector Employment and Management Act.

General Provisions

6. This Contract supersedes and replaces all other Contracts, understandings or arrangements relevant to the employment of the Employee prior to the execution of this Contract.

7. This Contract is governed by the law of the Northern Territory of Australia and is taken to have been made in the Northern Territory of Australia.
8. (a) All notices, consents, approvals, agreements or other communications by or to the respective parties to this Contract must be in writing and will be taken to be duly given or made:

(i) if the notice is delivered in person or by post – when delivered; or

(ii) if the notice is delivered by facsimile transmission – on receipt by the sender of a printed communication transmission report from the sending facsimile machine indicating successful transmission to the recipient's facsimile number, except that if the time of transmission is after 4.00pm or on a day on which business is not generally carried on in the place to which the communication is sent, the notice is taken to have been received at the commencement of business on the next day on which business is generally carried out in that place.

A notice must be delivered to the address shown in this Contract for the party or to another address specified by the party in writing.
SIGNED BY

_________________________________  
(print name)  

_________________________________  
(signature of Employer / Delegate)

On [date]

pursuant to section 25 of the
Public Sector Employment and
Management Act in the presence of:

_________________________________  
(print name)  

_________________________________  
(signature of witness)

SIGNED BY

_________________________________  
(print name)  

_________________________________  
(signature of Employee)

On [date]

in the presence of:

_________________________________  
(print name)  

_________________________________  
(signature of witness)