

DIRECTION OF THE PREMIER

DIRECTIONS OF THE PREMIER UNDER SECTION 10 of the *PUBLIC SECTOR ACT 2009*

I, Jay Wilson Weatherill, Premier of South Australia, hereby issue the following directions under section 10 of the *Public Sector Act 2009* which bind all public sector agencies¹:

Restraints on re-engagement of former executive employees and other public office holders in certain circumstances

Where a person was:

- formerly employed on an executive basis in the South Australian Public Sector under a fixed-term contract; or
- appointed to public office; and
- whose employment was terminated or who was removed from office for any reason, entitling them to payment of a termination payment under any legislation or the terms of a contract of employment or instrument of appointment;

a Chief Executive or other agency head or delegate will not employ pursuant to a contract of employment or engage pursuant to a contract for services any former employee or public office appointee that has separated from the public sector in the circumstances as defined above:

- for a period coinciding with the number of months' and/or a part of a month remuneration paid to them by way of a termination payment pursuant to legislation or the terms of their contract of employment or instrument of appointment; unless
- the individual repays to the Crown a sum equivalent to the number of months' remuneration or part of a month remaining in the nominal period remaining by reference to the number of months' remuneration and/or a part of a month paid to them upon the termination of their employment or public office.

Any offer to engage a former executive employee or public office holder on a contract of employment or contract for services as defined in the above circumstances will be conditional upon payment by the former executive employee or public office holder to the Crown of the nett amount paid to the former employee or public office holder upon the termination of their

¹With the exception of the Courts Administration Authority, the Legal Services Commissioner, the Independent Commissioner Against Corruption and the Office for Public Integrity

employment or public office; calculated on the basis of the number of months' or part of a month's remuneration received by the former executive or public office holder and the period of time remaining in nominal period by reference of the number of months including part of a month of remuneration paid to the former executive or public office holder.

Should Chief Executives, agency heads or a delegate employ or engage former executives or public office holders in the circumstances as described above they must notify the Commissioner for Public Sector Employment, as the Premier's delegate, in writing, including, as relevant, providing confirmation that the former executive or public office holder has repaid to the Crown a sum equivalent to the number of months' remuneration or part of a month remaining in the nominal period.

Chief Executives, agency heads or delegates will make it clear to any person in respect of an exemption that has been granted and who may be considered for engagement by the Crown, that any taxation issues arising out of payment to the Crown of the said monies is a matter between them and the Commonwealth Commissioner for Taxation.



Hon Jay Weatherill MP
PREMIER

 April 2017