

## **70. Terms and conditions of employment**

- (1) The terms and conditions of employment of a ministerial officer, other than terms and conditions relating to —
  - (a) the functions of the ministerial officer; or
  - (b) any matter for which express provision is made by section 72,shall be determined by the Minister on the recommendation of the chief executive officer of the department principally assisting the Minister in the administration of this Act.
- (2) The terms and conditions of employment of a ministerial officer that are determined by the Minister under subsection (1) shall be specified in the relevant contract of employment.
- (3) Without limiting subsection (1), but subject to subsections (4) and (5), a ministerial officer whose employment is terminated by section 72 (1) (a) or by the Minister under section 72 (2) before the day specified in the relevant contract of employment as the day on which that employment expires is entitled to such compensation, if any, as the Minister determines.
- (4) The maximum compensation payable to a person under subsection (3) is an amount equal to the remuneration to which the person is entitled for the period of one year ending immediately before his or her employment is terminated.
- (5) If the employment of a ministerial officer is terminated in the manner specified in subsection (3) but is deemed to have continued, or to continue, until a later day by virtue of a direction made under section 72 (5), the ministerial officer is not entitled to compensation under subsection (3).
- (6) A person to whom compensation is paid under this section and who is subsequently —
  - (a) employed in a public sector body; or
  - (b) engaged by an employing authority under a contract for services, whether under section 100 (1) or another written law,before the expiry of such period commencing on the payment of the compensation as is prescribed in relation to the amount of the compensation shall forthwith refund to the Treasurer of the State an amount that bears to the amount of the compensation the same proportion as the unexpired portion of that period bears to that period.
- (7) If a person who is required to comply with subsection (6) does not do so, the amount unrefunded may be recovered in a court of competent jurisdiction at the suit of the Treasurer of the State as a civil debt owed by that person to the Crown.