

Mr Clinton Howe MLA  
Chair  
Public Accounts Committee

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File reference: 03-SF-1030

Dear Mr Howe

**Re: Parliamentary Committee inquiry into the Darwin Waterfront Corporation**

I refer to your letter dated 27 May 2025 inviting me to make a written submission addressing the terms of reference regarding the abovementioned matter.

The Darwin Waterfront Corporation (DWC) is owned by Government and established under the *Darwin Waterfront Corporation Act 2006 (DWC Act)*.

Under the Administrative Arrangements Orders, DWC is not a nominated agency for the purpose of the *Public Sector Employment and Management Act 1993 (PSEM Act)*. As such, the Commissioner for Public Employment has no jurisdiction or involvement in relation to the employment arrangements or operations of the DWC.

Government entities that are not agencies for the purposes of the PSEM Act often mirror the employment policies and processes, and employment terms and conditions for executive contract officers and other staff that are set by the Commissioner for Public Employment. However, there is no formal requirement for this.

In the broader Northern Territory Public Sector (NTPS), agencies and Chief Executive Officers (CEO) who are subject to the PSEM Act are required to comply with the legislation, policies and processes established under the PSEM Act, including in relation to recruitment, workforce management, and job evaluation. These include:

- A person must not be employed, promoted or transferred, except in accordance with the merit principle.
- Where duties are to be performed for a period exceeding 6 months the job must be advertised, at a minimum on the NTG Jobs website.
- For positions less than 6 months, these can be advertised as Expressions of Interest, or filled through the application of higher duties. If after 6 months it is likely the temporary position will continue, it is required to be advertised.
- The Commissioner may approve the selection without advertising of a person or employee. Any request that is considered by the Commissioner would be expected to demonstrate exceptional circumstances, including:
  - whether there was any call for applications for the role;

- whether merit was applied to the initial selection of the person for the role;
- reasons for not advertising the role;
- is the selection to an actual job and if the job has been evaluated using the approved Job Evaluations System (JES);
- requirement for specialised skill sets or hard to recruit to;
- impact for other employees who may have otherwise applied for the role.

Conditions for Executive Contract Officers (ECO) in the NTPS are contained in Determination 5 of 2019, and include renewal provisions and eligibility for higher duties. It is a requirement that an ECO will be advised if their contract will be renewed 6 months prior to the expiry. This renewal would not require the job to be re-evaluated, or re-advertised; and the new contract may be issued at any stage ahead of the expiry. ECOs are entitled to higher duties if they are required to perform the responsibilities of a higher designation for more than two weeks. Where this extends beyond 6 months the position is required to be advertised for the term of the vacancy.

Thank you for the opportunity to provide a submission. Should you have any further queries, I can be contact via phone: [REDACTED] or email: [REDACTED].

Yours sincerely



Nicole Hurwood  
Commissioner for Public Employment

2 June 2025