

Health Employment Directive No. 05/18

Effective Date:
03 October 2018

Supersedes:
08/14

Visiting Medical Officers: Employment framework

1. Compliance

Compliance with this Health Employment Directive (HED) is mandatory.

2. Purpose

To require Hospital and Health Services (HHSs) and the Department of Health (the department) to use the framework contract of employment attached to this HED when making an offer of a new employment contract to, or entering into a new employment contract with, a Visiting Medical Officer (VMO), whether new or existing, commencing on or after 4 August 2014.

3. Legislative provision

Section 51A of the *Hospital and Health Boards Act 2011* (the Act).

4. Application

This HED applies to all contracted and non-contracted VMO employees engaged under the Act. This HED does not apply to VMOs engaged as independent contractors.

5. Related documents

- [Framework contract of employment](#) (April 2014) (attachment 1)
- [Visiting Medical Officer terms and conditions of employment](#) (attachment 2)
- [Total remuneration framework for Visiting Medical Officers](#) (attachment 3)
- [Grievance and dispute resolution procedure](#) (attachment 4 – refer section 9).

Directive:

6. Terms and conditions of employment

The Director-General, in accordance with section 45(g) of the Act, may establish the conditions of employment for health service employees which include VMOs. These are specified in the framework contract of employment for VMOs and supported by attachments 2, 3 and 4.

The HHS or the department must not engage a VMO in a manner contrary to this HED without the approval of the Director-General.



7. VMO – contract appointment

Subject to section 8 of this HED, the HHS or the department may only enter into a new employment contract with a VMO (whether in relation to a new or existing position) using the framework contract of employment provided in attachment 1 of this HED, applied consistently with attachments 2 to 4.

Any variation to an existing contract of employment must be consistent with the Act and this HED, including its attachments.

In relation to any such offer, the HHS or the department must complete the following provisions of the framework contract of employment:

- the duties required for the position
- the performance criteria and/or key performance indicators
- the level of the position and the remuneration that will apply
- whether the employment is:
 - on-going
 - on contract for a fixed term
 - on a temporary basis
 - on a casual basis
- the term of the appointment, where the appointment is on a temporary basis or for a particular term
- the arrangements for the private practice, where the HHS or the department permits or requires the VMO to undertake private practice.

The remuneration payable to a VMO must be in accordance with the remuneration framework set out in the framework contract of employment and the principles set out in attachment 3 of this HED.

A temporary or fixed-term contract will typically be for an appointment of no more than one year. However, a contract may be entered into for a longer period for a specific purpose, such as a research project of a particular duration.

8. VMO – short-term or emergent appointments

It is acknowledged that there may be circumstances in which a VMO is engaged for such a short period of time that it is impracticable to negotiate and enter into a framework contract of employment with that VMO (for example, if a VMO is engaged in an emergency situation or to cover periods of leave).

In those circumstances, the VMO may be engaged by the HHS or the department in accordance with a letter of engagement that includes the VMO's commencement and termination dates, the reason/s for the engagement and the appropriate base rate of pay and remuneration as provided for in attachments 2 and 3 of this HED.

If the engagement extends beyond the term outlined in the letter of engagement, a framework contract of employment must be entered into by the HHS or the department and the VMO as soon as practicable. Until such time, the terms of the letter of engagement will continue to apply to the VMO's employment with the HHS or the department.

9. VMO – casual appointments

A VMO may be engaged on a casual basis. In those circumstances, the VMO may be engaged by the HHS or the department in accordance with a letter of engagement that specifies the sessions, the

reason/s for the engagement and the appropriate sessional rate of pay and remuneration as provided for in attachments 2 and 3 of this HED.

In addition, a casual VMO is entitled to an additional loading of 23 per cent of the appropriate sessional rate of pay in lieu of recreation leave, public holidays, sick leave and professional development leave.

10. Contracts that contain benefits outside or in excess of this directive

If a VMO enters into an employment contract with an HHS or the department that contains a benefit which is in excess of the applicable amount for that particular benefit outlined in attachment 2, the relevant benefit is deemed to be the greatest applicable amount for that benefit outlined in attachment 2.

If a VMO enters into an employment contract with a HHS or the department that contains a benefit not provided for in attachment 2, the employment contract is deemed not to include that benefit.

This section 10 does not apply if the Director-General or the authorised delegate has, before or after the date of this HED, approved the amount and provision of the benefit.

11. Prior contracts

A contract of employment entered into prior to the date of this HED and under HEDs 03/14 or 08/14, must not be applied by an HHS or the department in a manner inconsistent with the framework contract of employment in attachment 1 to this HED.

12. Definitions

Department of Health or department	The Department of Health includes: <ul style="list-style-type: none"> • Clinical Excellence Division • Corporate Services Division • Healthcare Purchasing and System Performance Division • Strategy, Policy and Planning Division • Chief Health Officer and Prevention Division • Office of the Director-General • Health Support Queensland • eHealth Queensland • Queensland Ambulance Service • any successor agency of those listed above however so named.
Director-General	The chief executive of the department administering the <i>Hospital and Health Boards Act 2011</i> .
Health service chief executive	The health service chief executive is appointed for a Hospital and Health Service under section 33 of the <i>Hospital and Health Boards Act 2011</i> .
Visiting Medical Officer (VMO)	A person who is registered under the Health Practitioner Regulation National Law to practise in the medical profession and who incurs ongoing private practice costs. This includes: <ul style="list-style-type: none"> • a visiting general practitioner (VGP) • a VGP with FRACGP • a VGP with FRACGP and/or Vocational Registration • a visiting senior specialist, or, a visiting specialist registered with the Medical Board of Australia under the provisions of the <i>Health Practitioners National Law Act 2009</i>.

13. History

HED No. 05/18 October 2018	Amended to remove the role of the Queensland Health Contract Advisory Committee.
HED No. 08/14 March 2014	Amended to incorporate amendments to the <i>Hospital and Health Boards Act 2011</i> .
HED No. 03/14 February 2014	Developed to implement senior health service employee contracts for Visiting Medical Officers in accordance with the <i>Hospital and Health Boards Act 2011</i> .

14. Approval and implementation

Directive custodian

Chief Human Resources Officer

Approval by Chief Executive

Michael Walsh
Director-General

Approval date: 03 October 2018