



REPUBLIC OF NAURU

PUBLIC SERVICE (AMENDMENT) BILL 2020

No. of 2020

A Bill for an Act to amend the *Public Service Act 2016*.

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Public Service (Amendment) Act 2020*.

2 Commencement

This Act commences on certification of the Speaker.

3 Amendment of the Public Service Act 2016

The *Public Service Act 2016* is amended by the provisions of this Act.

4 Amendment of Section 3

Section 3 is amended by:

(a) inserting the word 'or' after the semicolon in paragraph (a); and

(b) inserting a new subsection (3) as follows:

‘(3) This Act applies to all foreign service employees employed or posted in Nauru High Commissions, Consulates overseas or any other place as follows:

(a) provisions relating to Heads of Departments apply to the Heads of Missions; and

(b) provisions relating to other public service employees apply to all other staff of the Missions or Consulates.’

5 Amendment of Section 4

Section 4 is amended by:

(a) inserting the following words and their definitions in alphabetical order as follows:

‘**Chairperson**’ means the Chairperson of the Public Service Appeals Board referred to in section 105;

‘**foreign service employee**’ refers to a Nauruan employed by the Government in Nauruan High Commissions or Consular offices overseas and includes Honorary Consuls;

(b) deleting and substituting the following words and their definitions:

‘**absent without leave**’, has the meaning as is defined section 5;

‘**adoption order**’, has the same meaning it has in section 3 of the *Adoption of Children Act 1965*;

'adoptive parent', has the same meaning it has in section 3 of the *Adoption of Children Act 1965*;

'continuous period of service', has the meaning as is defined in section 6;

'misconduct' means a breach of the Code of Conduct or commission of a disciplinary offence prescribed by Regulations;

(c) deleting the following words and their definitions:

- (i) **'adopted child'**;
- (ii) **'Chairman'**;
- (iii) **'disciplinary action'**;
- (iv) **'family member'**;
- (v) **'information notice'**; and
- (vi) **'Regulations'**.

6 Amendment of Section 8

Section 8(k) is amended by:

- (a) deleting the word 'of' where it appears the second time and substituting 'for';
- (b) renumbering paragraphs 'a' and 'b' to subparagraphs (i) and (ii);
- (c) inserting the word 'and' after the semicolon in subparagraph (i); and
- (d) deleting the comma and substituting a semicolon after the word 'authority' in subparagraph (ii).

7 Amendment of Section 13

Section 13 is amended by:

- (a) deleting and substituting subsection (5) as follows:

'(5) Subject to section 25, the Cabinet shall determine:

- (a) the terms and conditions of employment; and
- (b) the functions and powers,

of a person appointed as the Secretary of a Department.

- (b) inserting new subsections (6) and (7) as follows:

'(6) The Cabinet may:

(a) in consultation with the relevant Minister, transfer to another Department or re-assign duties other than as Head of the Department; or

(b) terminate for misconduct or without any cause,

a Secretary of a Department appointed under subsection (4).

(7) Where the Secretary of a Department is terminated without cause, he or she shall be paid one month's salary in lieu of notice together with any accrued benefit under this Act.'

8 Amendment of Section 15

Section 15(2) is amended by deleting the word 'of' where it appears before the words 'the Chief Secretary' and substituting 'on'.

9 Amendment of Section 21

Section 21(3)(a) is amended by inserting the word 'and' immediately after the semicolon.

10 Amendment of Section 27

Section 27 is amended by deleting and substituting subsections (1) and (2) as follows:

(1) This section applies:

(a) if a person is appointed to a public service position; and

(b) immediately before the appointment, the person was not a public service employee; or

(c) to a temporary employee employed under Section 28.

(2) The appointment:

(a) is subject to an initial appointment of 6 months for any person in subsection (1)(b);

(b) of a temporary employee, who:

(i) has served a period of 6 months or any other period as a temporary employee in the public service;

(ii) has a satisfactory attendance record; and

(iii) the relevant Secretary or Head of Department provides a report of satisfactory performance,