



REPUBLIC OF NAURU

PUBLIC SERVICE (AMENDMENT) ACT 2019

No. 1 of 2019

An Act to amend the Public Service Act 2016

Certified: 22nd March 2019

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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 2019*.

2 Commencement

This Act commences upon certification by 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 4

Section 4 is amended by:

(a) deleting the following words and their definitions:

'adopted child', see section 3 of the Adoption of Children Act 1965;

'family member', of a public service employee, means: (a) the employee's parent, spouse, child or stepchild; or (b) a member of the employee's household;

(b) deleting and substituting the definition of 'Regulations' as follows:

'Regulations' means Regulations made under this Act;

(c) deleting 'Division 7' where it appears and substituting with 'Division 6' in the definition of 'termination entitlement';

5 Amendment of section 31

Section 31 is amended by inserting the words 'do not' before the word 'apply' where it appears.

6 Amendment of section 62

Section 62(2) is amended by deleting the words 'must be appointed to' and substituting with the words 'shall resume at'.

7 Amendment of section 84

Section 84 is repealed and replaced as follows:

'84 Election candidates – resignation and reemployment

'(1) An employee who intends to submit a nomination as a candidate in the general elections must resign 3 months before submitting his or her nomination.

- (2) An employee who intends to submit a nomination as a candidate in a by-election shall resign within 5 days from the date the writ of elections is published under section 56 of the Electoral Act 2016.
- (3) An employee who intends to submit a nomination as a candidate in an election held as a consequence of earlier dissolution of Parliament than its full term of three years under Article 41(7) of the Constitution shall resign within 5 days from the date the writ of elections is published under section 56 of the Electoral Act 2016.
- (4) A person who resigned under subsection (1), (2) or (3) is eligible to be re-employed in the public service where such person:
 - (a) was a candidate at that election; and
 - (b) failed to be elected at that election; and
 - (c) within 2 months of the declaration of the result of that election, applied in writing to the Chief Secretary for re-employment in the public service.'
- (5) For the purposes of this section, '**employee**' includes public service employees, contract employees, temporary employees and heads of departments.

8 Repeal of section 84A

Section 84A is hereby repealed.

9 Repeal of section 84B

Section 84B is hereby repealed.